

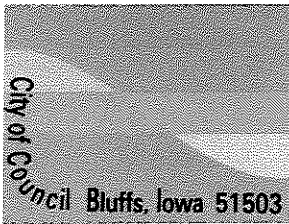
CITY CLERK
(712) 328-4616

AGENDA

**CITY COUNCIL STUDY SESSION
COUNCIL CHAMBERS
MONDAY, March 24, 2008
3:45 P.M.**

- A. Review of Agenda





CITY CLERK
(712) 328-4616

**COUNCIL AGENDA, CITY OF COUNCIL BLUFFS, IOWA
REGULAR MEETING MARCH 24, 2008 7:00 P.M.
COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL
209 PEARL STREET**

1. PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. CONSENT AGENDA

- A. Approval of agenda and tape recording of this proceeding be incorporated into official minutes
- B. Reading, correction and approval of minutes of the March 10, 2008 regular Council meeting
- C. Resolution 08-72, intent to vacate east/west alley abutting Lot 8 and Lot 9 and the East 115 feet of Lot 7, Block 5, Park Addition, City of Council Bluffs, and setting public hearing at 7:00 p.m., April 14, 2008.
- D. Resolution 08-73, intent to dispose of City property legally described as the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Bayliss 1st Addition, and setting public hearing at 7:00 p.m., April 14, 2008
- E. Resolution 08-74, directing the Clerk to publish notice and set Public Hearing on plans, specifications, form of contract and cost estimate for the 31st Street Improvements, Phase II, 2nd Avenue to Avenue B for 7:00 p.m., April 14, 2008

4. PUBLIC HEARINGS:

- A. Resolution 08-80, authorizing the Mayor to submit application for FY2009 State Transit assistance
- B. Resolution 08-81, authorizing disposal of City property legally described as the West ½ of Lot 4, Block 13, Grimes Addition
- C. Resolution 08-82, approving plans, specifications and form of contract for Mid-City Grading, Phase I and directing the City Clerk to advertise for bids setting April 17, 2008 at 2:00 p.m. as the date and time for bid opening for the project
- D. Resolution 08-83, approving plans, specifications, form of contract and cost estimate for the Broadway Streetscape – Phase I, also called (Downtown Streetscape – Phase VII-Broadway) FY09-09
- E. Resolution 08-84, approving the plans, specification, form of contract and cost estimate for the Public Works Fleet Maintenance Facility FY08-36

5. ORDINANCES ON FIRST READING:

- A. Ordinance 5978, amending Chapter 3.08 "Beer and Liquor Control" of the Municipal Code, by amending Section 3.08.045 "Exceptions to Section 3.08.040(5)" to include provisions for special events in City parks or held on City property pursuant to the City authorized special event application



- B. Ordinance 5979 setting public hearing at 7:00 p.m. on April 14, 2008 to consider amending the zoning map of the City of Council Bluffs by changing the district designation of certain grounds located at 1500 North Broadway from its present designation as R-1/Single Family Residential to R-3/Low Density Multi-Family Residential with a planned residential overlay
- C. Ordinance 5980 setting public hearing at 7:00 p.m. on April 14, 2008 to consider amending the zoning map of the City of Council Bluffs by changing the district designation of certain grounds located between North 6th and North 7th street, Mynster Street and Kanessville Boulevard from its present designation as C-4/Commercial to C-3/Commercial, subject to restricting outside parking of vehicles waiting sale to five (5) and prohibiting drive-in or fast food restaurants and other automobile sales, rental and service establishments from operating within the area proposed for rezoning
- D. Ordinance 5981 setting public hearing at 7:00 p.m. on April 14, 2008 to consider amending the zoning map of the City of Council Bluffs by changing the district designation of certain grounds located at 427 21st Avenue from its present designation as R-2/Two Family Residential to C-2/Commercial
- E. Ordinance 5982, setting public hearing at 7:00 p.m. on April 14, 2008 to consider amending the zoning map of the City of Council Bluffs by changing the district designation of certain grounds consisting of approximately 424 acres in five tracts of land which were recently annexed, located directly east of the MidAmerican Energy Plant
- F. Ordinances 5983 thru Ordinance 5993, amending portions of the Municipal Code, Title 13:
 - 1) Ordinance 5983, amending the Municipal Code, Title 13 entitled "Buildings and Construction", Chapter 13.07 entitled "General Contractor's Registration" by amending section 13.07.120c entitled "License – Generally" to be codified
 - 2) Ordinance 5984, amending the Municipal Code, Title 13, entitled "Buildings and Construction" Chapter 13.09 entitled "Mechanical Code" by amending Section 13.09.060 entitled "Section 106.4.7 added – Mechanical Permits issued to" to be codified
 - 3) Ordinance 5985, amending the Municipal Code, Title 13, entitled "Buildings and Construction" Chapter 13.10 which is entitled "Licensing of the Mechanical Trade", by amending Section 13.10.070(b) entitled "Licensing – Generally" to be codified
 - 4) Ordinance 5986, amending the Municipal Code, Title 13, entitled "Buildings and Construction" by repealing in its entirety Chapter 13.10 which was entitled "Licensing of the Mechanical Trade" to be codified
 - 5) Ordinance 5987, amending the Municipal Code, Title 13, entitled "Buildings and Construction" by repealing in its entirety Chapter 13.11 entitled "Registration of the Fire Sprinkling Trade" to be codified
 - 6) Ordinance 5988, amending the Municipal Code, Title 13, entitled "Buildings and Construction" Chapter 13.12 entitled "Plumbing Code" by adding Section 13.12.055 entitled "Plumbing Permits issued to" to be codified
 - 7) Ordinance 5989, amending the Municipal Code, Title 13 entitled "Buildings and Construction" Chapter 13.13 entitled "Licensing/Registration of the Plumbing Trade" by amending Sections 13.13.010 and 13.13.030 and repealing Section 13.13.020 and parts of Section 13.13.180 through section 13.13.410 to be codified

- 8) Ordinance 5990, amending Title 13 entitled "Buildings and Construction of the 2005 Municipal Code of Council Bluffs, by amending Chapter 13.13 entitled "Licensing/Registration of the Plumbing Trade" to be changed to "Plumbing Board of Appeals" to be codified
- 9) Ordinance 5991, amending Title 13 entitled "Buildings and Construction" of the 2005 Municipal Code of Council Bluffs by amending Chapter 13.13 entitled "Licensing/Registration of the Plumbing Trade" to repeal Section 13.13.180 through Section 13.13.420 to be codified
- 10) Ordinance 5992, amending the Municipal Code of Council Bluffs, Title 13 entitled "Buildings and Construction" Chapter 13.16 entitled "Electrical Code" by adding Section 13.16.165 to be entitled "Electrical Permits issued to" to be codified
- 11) Ordinance 5993, amending the Municipal Code of council Bluffs, Title 13, entitled "Buildings and Construction" Chapter 13.21 entitled "Property Maintenance Code" by amending Section 13.21.065 entitled "Swimming Pools, Spas and Hot Tubs Enclosures" to be codified

6. ORDINANCES ON SECOND READING:

A. Ordinances amending Chapter 1.40 of the Council Bluffs Municipal Code:

- 1) Ordinance 5970, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.010 "Purposes", and enacting a new Section 1.40.010 "Purposes"
- 2) Ordinance 5971, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.030 "Definitions", and enacting a new Section 1.40.030 "Definitions"
- 3) Ordinance 5972, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.060 "Powers and duties", and enacting a new Section 1.40.060 "Powers and duties"
- 4) Ordinance 5973, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.080 "Unfair employment practices", and enacting a new Section 1.40.080 "Unfair employment practices"
- 5) Ordinance 5974 amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.090 "Unfair practices – Accommodations or services", and enacting a new Section 1.40.090 "Unfair practices – Accommodations or services"
- 6) Ordinance 5975, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.100 "Unfair or discriminatory practices - Housing", and enacting a new Section 1.40.100 "Unfair or discriminatory practices – Housing"
- 7) Ordinance 5976, amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.110 "Unfair credit practices", and enacting a new Section 1.40.110 "Unfair credit practices"

- 8) Ordinance 5977 amending Chapter 1.40 "Council Bluffs Civil Rights Commission" of the Municipal Code, by repealing Section 1.40.140 "Retaliation", and enacting a new Section 1.40.140 "Retaliation"

7. RESOLUTIONS:

- A. Resolution 08-41, granting easement and conveying certain property rights in the South Main Street right-of-way adjacent to Lot3, Block 9, Bayliss 1st Addition, City of Council Bluffs
- B. Resolution 08-44, establishing the monetary compensation for granting an easement and conveying certain property rights in the Pearl Street right-of-way adjacent to Lot 3, Block 9, Bayliss 1st Addition, Council Bluffs, Iowa, as approved by Resolution Number 2008-20 on January 28, 2008.
- C. Resolution 08-75, fixing date for a meeting on the proposition of the issuance of not to exceed \$6,610,000 general obligation bonds, Series 2008 (for an essential corporate purpose) of Council Bluffs, Iowa, and providing for publication of notice thereof
- D. Resolution 08-76, fixing date for a meeting on the proposition of the issuance of not to exceed \$255,000 of general obligation bonds, Series 2008 (for a general corporate purpose) and providing for publication of notice thereof
- E. Resolution 08-77, fixing date for a meeting on the proposition of the issuance of not to exceed \$105,000 of general obligation bonds, Series 2008 (for a general corporate purpose) and providing for publication of notice thereof
- F. Resolution 08-78, fixing date for a meeting on the proposition of the issuance of not to exceed \$600,000 of general obligation bonds, Series 2008 (for a general corporate purpose) and providing for publication of notice thereof
- G. Resolution 08-79, fixing date for a meeting on the proposition of the issuance of not to exceed "\$430,000 general obligation bonds, Series 2008 (for an essential corporate purpose) of Council Bluffs, Iowa, and providing for publication of notice thereof
- H. Resolution 08-85, authorizing the Mayor to execute a contract with HDR Engineering, Inc., for professional engineering, consulting and related services for the Playland Park project in the City of Council Bluffs
- I. Resolution 08-86, authorizing the Mayor and City Clerk to execute an agreement with Godbersen-Smith Construction Co. for the Parkwood Circle Structure over Indian Creek FY08-06B
- J. Resolution 08-87, authorizing the Mayor and City Clerk to execute an agreement with J & K Contracting, LLC for the South 32nd Street Sanitary Sewer Improvements FY08-05D
- K. Resolution 08-88 authorizing the Mayor to execute the Order Assessing Penalty for First Violation against No Frills Supermarket, 1817 West Broadway, for violating the State's tobacco laws
- L. Resolution 08-89, authorizing the Mayor to execute an agreement between the City of Council Bluffs and the Council Bluffs Chamber of Commerce for the Operation of a Convention and Visitor's Bureau

- M. Resolution 08-90, to create and amend some of the fees currently appearing in the City's Schedule of Fees for Title 13 of the Municipal Code
- N. Resolution 08-91, directing the Mayor and City Clerk to award the 18 gallon curbside recycling bin bid to Rehrig Pacific
- O. Resolution 08-92, establishing the monetary compensation for granting an easement and conveying certain property rights in the South Main Street right-of-way adjacent to Lot 3, Block 9, Bayliss 1st Addition, City of Council Bluffs, as approved by Resolution Number 2008-41 on March 24, 2008

8. RECEIVE AND FILE ITEMS:

- A. One Notice of Claim/Loss
- B. One Stipulation & Order, property tax assessment protest
- C. One Offer to Buy City property, 1314 Pleasant Street
- D. Cash Balance Statement, February 29, 2008
- E. List of Bills, February 29, 2008

9. CITIZEN'S LETTERS:

10. APPLICATIONS FOR PERMITS AND CANCELLATIONS:

- A. Applications for renewal of Class C Liquor License:
 - 1) Islamorada Fish Company
 - 2) Ruby Tuesday

11. CITIZENS REQUEST TO BE HEARD:

12. ADJOURNMENT

RECORD OF PROCEEDINGS

CALL TO ORDER

A regular meeting of the Council Bluffs City Council was called to order by Mayor Tom Hanafan at 7:01 p.m., March 10, 2008.

ATTENDANCE

Present: Council members Scott Belt, Lynne Branigan, Matt Schultz, Matt Walsh. Mayor Tom Hanafan.
Absent: Council member Darren Bates
Staff present: Richard Wade, City Attorney; Judith Ridgeley, City Clerk

CONSENT AGENDA

Walsh and Belt moved and seconded approval of the Consent Agenda as presented.

Walsh and Belt moved and seconded to amend the Consent Agenda by moving Item 8C (2) to Item 10D.

VOICE VOTE ON AMENDMENT: Unanimous

VOICE VOTE ON MAIN MOTION: Unanimous

PUBLIC HEARINGS

Resolution 08-61

Held public hearing regarding Resolution 08-61, approving the plans, specifications, form of contract and cost estimate for the Valley View Greenway Trail Project. Belt and Walsh moved and seconded approval of Resolution 08-61. Unanimous

Resolution 08-62

Held public hearing authorizing disposal of City property legally described as lot 480, Twin Cities Plaza. Branigan and Belt moved and seconded approval of Resolution 08-62. Unanimous

ORDINANCES ON FIRST READING

Ordinance 5970, 5971, 5972, 5973, 5974, 5975, 5976 and 5977

Walsh and Branigan moved and seconded introduction of the following eight ordinances amending Chapter 1.40 of the Council Bluffs Municipal Code, "Council Bluffs Civil Rights Commission":

Ordinance 5970, repealing Section 1.40.010 "Purposes" and enacting a new Section 1.40.010 "Purposes";

Ordinance 5971, repealing Section 1.40.030 "Definitions" and enacting a new Section 1.40.030 "Definitions";

Ordinance 5972, repealing Section 1.40.060 "Powers and duties" and enacting a new Section 1.40.030 "Powers and duties";

Ordinance 5973, repealing Section 1.40.080 "Unfair employment practices" and enacting a new Section 1.40.080 "Unfair employment practices";

Ordinance 5974, repealing Section 1.40.090 "Unfair practices – accommodations or services" and enacting a new Section 1.40.090 "Unfair practices – accommodations or services"

Ordinance 5975, repealing Section 1.40.100 "Unfair or discriminatory practices – Housing", and enacting a new Section 1.40.100 "Unfair or discriminatory practices – Housing";

Ordinance 5976, repealing Section 1.40.110 "Unfair credit practices", and enacting a new Section 1.40.110 "Unfair credit practices"; and

Ordinance 5977 repealing Section 1.40.140 "Retaliation", and enacting a new Section 1.40.140 "Retaliation".

VOICE VOTE: 3 Aye; 1 Nay (Schultz)

RESOLUTIONS

Resolution 08-49

Walsh and Schultz moved and seconded approval of Resolution 08-49, annual budget for fiscal year ending 2009 (07-01-2008 thru 06-30-2009). Branigan moved to amend the budget by not filling the requested position in the Parks and Recreation department. Walsh seconded.

RECORD OF PROCEEDINGS

AMENDMENT TO RESOLUTION 08-49: Unanimous
RESOLUTION 08-49 AS AMENDED: Unanimous

- Resolution 08-63** Belt and Branigan moved and seconded approval of Resolution 08-63, authorizing the Mayor and City Clerk to enter into an agreement and award bid to Leazenby Construction for the Council Bluffs Recreation Complex Project. Unanimous
- Resolution 08-64** Belt and Walsh moved and seconded approval of Resolution 08-64, accepting the work of Eimco Water Technologies in connection with the procurement of the integrated fixed film/activated sludge system and fine bubble DA equipment for the Secondary Treatment System Improvement and authorizing the Interim Finance Director to issue a City check in the amount of \$49,241.95. Unanimous
- Resolution 08-65** Belt and Walsh moved and seconded approval of Resolution 08-65, authorizing the Mayor and City Clerk to execute an agreement with MFT Construction Inc., for the 10th Avenue Storm Sewer Improvements. Unanimous
- Resolution 08-66** Walsh and Belt moved and seconded approval of Resolution 08-66, authorizing the Mayor and City Clerk to execute an addendum to IDOT preconstruction agreement 2008-12-011 in connection with relocating of power line crossing South 24th Street Bridge over I-80. Unanimous
- Resolution 08-67** Belt and Walsh moved and seconded approval of Resolution 08-67, authorizing the Mayor to execute IDOT Agreement No. 408-HBRRU-008, in connection with Oak Street Fire Station Bridge over Indian Creek. Unanimous
- Resolution 08-68** Walsh and Branigan moved and seconded approval of Resolution 08-68, awarding bid for security camera at Mid-America Center to Hawkeye. Unanimous
- Resolution 08-69** Branigan and Belt moved and seconded approval of Resolution 08-69, authorizing the Mayor to execute the Order Accepting the Acknowledgement/Settlement Agreement from Walgreens #5603 for a second violation of Iowa tobacco laws. Unanimous
- Resolution 08-70** Branigan and Walsh moved and seconded approval of Resolution 08-70, authorizing the Mayor to execute an Order Accepting the Acknowledgement/Settlement Agreement from Hy-Vee Drugstore for a violation of Iowa Code Section 453A.2(1). Unanimous
- Resolution 08-71** Belt and Walsh moved and seconded approval of Resolution 08-71, authorizing the Mayor and City Council to rename several roadway segments at the request of Pottawattamie County and 911 Communication Center. Unanimous.

MAYOR APPOINTMENTS

Walsh and Schultz moved and seconded to concur with the Mayor's appointments to the Council Bluffs Airport Authority, attached. Unanimous

RECEIVE AND FILE ITEMS

Belt and Walsh moved and seconded to receive and file items 8A through 8D. Unanimous

RECORD OF PROCEEDINGS

CITIZEN'S LETTERS

Received into record letter from Rev. Richard Blodgett, Emanuel Church of the Nazarene.

APPLICATIONS FOR PERMITS OR CANCELLATIONS

Belt and Walsh moved and seconded approval of:

- 1) Renewal of liquor license applications for Billy Cole's Memories, Casey's General Store, Driftwood Inn, Harvey's Council Bluffs Casino, Holiday Inn, Metro Wine and Spirits, Mortensen's Supermarket, No Frills Supermarket, Old River Pizza, Razzle Dazzle, Riverside Grill, Sam's Lounge, Speedee Mart, Sugar's, Super Saver IV, and Tish's Restaurant;
- 2) New Class C Liquor License for T's Tavern;
- 3) Application for Iowa Retail Cigarette/Tobacco permit for The Filling Station and T's Tavern; and
- 4) Salvage yard application for Ganeeden Metals.

Unanimous

CITIZEN'S REQUEST TO BE HEARD

Reverend Rich Blogett, 2309 S. 13th Street, was present to discuss a variance for placement of a dumpster.

Mr. Aaron Engers, 2310 S. 13th Street, expressed his concern about placement of the dumpster at its present location.

Branigan and Walsh moved and seconded to receive and file pictures into the record from Mr. Engers. Unanimous

Mr. David Cozier, 2644 Avenue D, thanked Council for their support of ordinances that will classify sexual orientation as protected.

Mr. Dale Good, 26 Spencer, informed Council regarding placement of the dumpster.

ADJOURNMENT

Belt and Schultz moved and seconded to adjourn the meeting at 7:29 p.m. Unanimous

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

ATTEST:



Thomas P. Hanafan, Mayor

Judith H. Ridgeley, City Clerk

Council Communication

Department: Community Development Case # SAV-08-001 Applicant: Susan and Clark Fry	Resolution of Intent No. <u>08-72</u> Resolution to Dispose No. _____	City Council: 3/24/08 Planning Commission: 3/11/08 Set Public Hearing: 3/24/08 Public Hearing:
Subject/Title		
Request of Susan and Clark Fry, 190 – 12 th Avenue, to vacate the east/west alley abutting Lot 8 and Lot 9 and the East 115 feet of Lot 7, Block 5, Park Addition and lying north of 190 – 12 th Avenue and south of 1107 High Street.		
Background		
The applicants are requesting vacation of the above described portion of alley so they may acquire the south half, which abuts their property at 190 – 12 th Avenue in order to construct a garage behind the house and away from the steep incline east of their east property line. The West 58 feet of this 12.3-foot alley is used by the occupants of 1125 High Street as access to a garage and is not included in the request. The East 115 feet has never been opened or improved. It dead-ends into Fairmont Park property as shown on the attached map. Both abutting owners are in favor of the vacation. MidAmerican Energy has no objections to the proposed vacation. However, they have overhead and underground facilities on or in the vicinity of this request and need to maintain access to these facilities. The applicants can contact MidAmerican for additional information		
Discussion		
1. The West 58 feet of this alley is being used by the occupants of the property abutting on the west. The East 115 feet, which dead-ends into the park property, has never been improved. 2. Even though the vacation of portions of right-of-way is to be discouraged, in this instance an existing dead-end alley would be reduced in size, which is one of the purposes of the <i>Policy and Procedures for Alley, Street and Right-of-way Vacations</i> .		
Recommendation		
The Community Development Department recommends vacating the east/west alley abutting Lot 8 and Lot 9 and the East 115 feet of Lot 7, Block 5, Park Addition and lying north of 190 – 12 th Avenue and south of 1107 High Street.		
Public Hearing		
Susan Fry, 190 12 th Avenue appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
Planning Commission to City Council		
The Planning Commission recommends vacation of the east/west alley abutting Lot 8 and Lot 9 and the East 115 feet of Lot 7, Block 5, Park Addition.		
VOTE: Aye 8 Nay 0 Abstain 0 Absent 3 Motion Carried.		
Attachments: Map showing requested right-of-way vacation		
Prepared By: Rebecca Sall, Planning Technician, Community Development Department		

SC





11TH AVENUE

FAIRMOUNT PARK

HIGH STREET

1107
HIGH ST.

REQUESTED
VACATION

AVENUE

12TH AVENUE

CASE #SAV-08-001



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-72

A RESOLUTION OF INTENT TO VACATE THE EAST/WEST ALLEY ABUTTING LOT 8 AND LOT 9 AND THE EAST 115 FEET OF LOT 7, BLOCK 5, PARK ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, Sandau Bros. Sign Co. requests vacation of the east/west alley abutting Lot 8 and Lot 9 and the East 115 feet of Lot 7, Block 5, Park Addition and lying north of 190 – 12th Avenue and south of 1107 High Street; and

WHEREAS, this City Council hereby declares its intent to consider disposition of this City right-of-way by conveying and quitclaiming all of its right, title and interest in it to the abutting property owner(s).

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That this City Council hereby declares its intent to consider disposition of the above described City property;
and

BE IT FURTHER RESOLVED

That a public hearing on the City's intent to dispose of this property is hereby set for April 14, 2008.

ADOPTED

AND

APPROVED: March 24, 2008

Thomas P. Hanafan

Mayor

ATTEST:

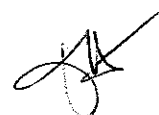
Judith H. Ridgeley,

City Clerk

Council Communication

Department: Community Development Offer To Buy City Property Applicant: David Kohll	Resolution of Intent No. <u>08-73</u> Resolution to Dispose No. _____	Set Public Hearing: 03/24/08 Public Hearing: 04/14/08
Subject/Title		
Request of David Kohll, 12759 Q Street, Omaha, NE 68137 to purchase the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1 st Addition. This City owned parcel lies east of North 7 th Street, adjacent to Creek Top and Kaneshville as shown on the attached map.		
Background/Discussion		
<p>David Kohll is in the process of purchasing the majority of the block bounded by North 6th and North 7th Streets, Mynster and Kaneshville from First Christian Church. The block is to be replatted into two lots. One lot is to be the site of a Kohll's Pharmacy and Homecare and the other lot is to be sold for another commercial use. The above described City owned parcel is located within this block, adjacent to Creek Top and Kaneshville. Mr. Kohll would like to purchase this parcel in order to combine it with the remainder of the block to allow for the development of the property.</p> <p>This parcel contains 4,400 square feet and the block is currently zoned C-4 Commercial. (Rezoning to C-3 is pending.)</p>		
Recommendation		
<p>The Community Development Department recommends disposal of the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1st Addition subject to the following:</p> <ol style="list-style-type: none">1. The balance of this block shall be acquired by the applicant.2. Kohll's enters an subdivision agreement with the City addressing the following issues:<ul style="list-style-type: none">• Kohll's shall re-subdivide the entire block as two lots;• A construction easement will be granted to the City along the north side of Indian Creek between North 6th and North 7th Streets, said easement to be shown on the replatting instrument.• The transfer of this property to the applicant shall take place upon approval and execution of subdivision agreement.• Kohll's agrees to the use restrictions as recommended by the City Planning Commission.		
<p>Attachment: Location map.</p> <p>Prepared By: Rebecca Sall, Planning Technician, Community Development Department</p>		

30



OFFER TO BUY - KOHLL



Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-73

A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY LEGALLY DESCRIBED AS THE SOUTH 39 FEET OF LOTS 11 AND 12 AND THE SOUTH 10 FEET OF LOT 13, BAYLISS 1ST ADDITION.

WHEREAS, the City has received an offer to buy the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1st Addition, and

WHEREAS, the Mayor and city staff recommends disposal of the above-referenced property under the terms and conditions set forth in the offer to buy.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the City does hereby express its intent to dispose of City property legally described as the South 39 feet of Lots 11 and 12 and the South 10 feet of Lot 13, Block 3, Bayliss 1st Addition., Pottawattamie County, Iowa; and

BE IT FURTHER RESOLVED

That a public hearing be scheduled for April 14, 2008.

ADOPTED

AND

APPROVED: March 24, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY09-05F
Applicant

Ordinance No.
Resolution No. 08-74

Council Action: March 24, 2008

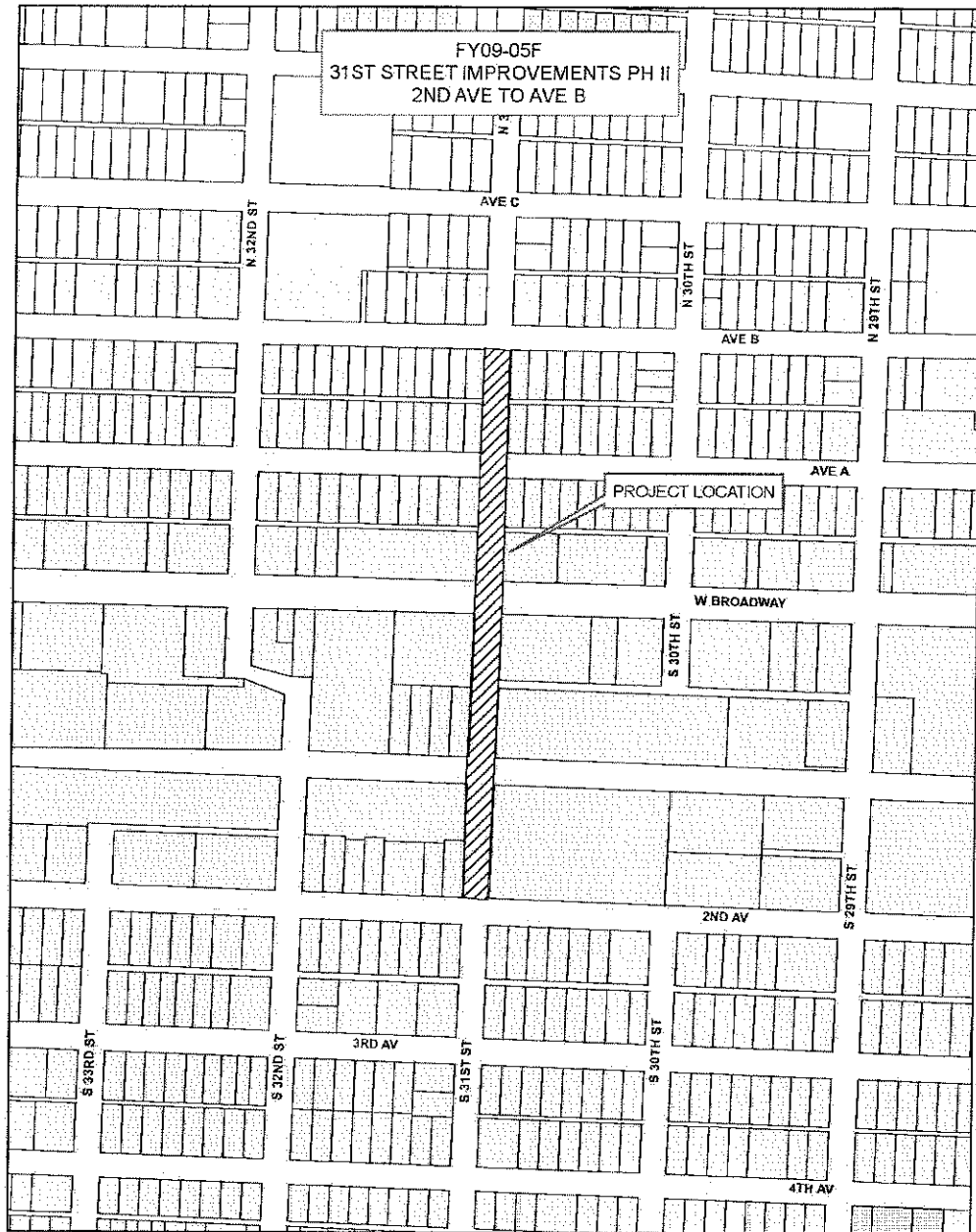
SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on April 14, 2008, for the 31st Street Improvements – Phase II: 2nd Avenue to Avenue B.

BACKGROUND/DISCUSSION

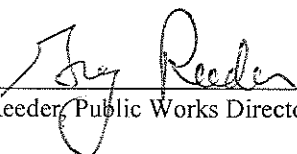
- The 31st Street sanitary sewer was built in the early 1950's. The sewer is a collector sewer receiving flow from the area between 37th Street and 29th Street north of Broadway. The sewer discharges to the 6th Avenue pump station at 31st Street.
- The sewer is in poor condition and needs to be replaced.
- The 31st Street sewer has been replaced in previous projects from 6th Avenue to 2nd Avenue.
- This project will continue the rehab of the pavement, sanitary and storm sewer between 2nd Avenue and Avenue B.
- This is project FY09-05F in the CIP and is funded with \$900,000 in GO Bonds.
- The project is scheduled for 2008 construction.

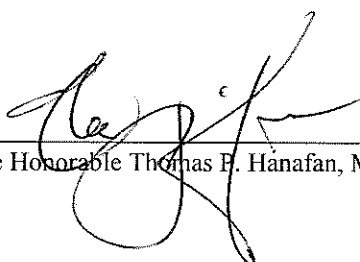
3E



RECOMMENDATION

Approval of this resolution.


Greg Reeder, Public Works Director/City Engineer


The Honorable Thomas P. Hanafan, Mayor

RESOLUTION
NO. 08-74

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE
AND SETTING A PUBLIC HEARING ON THE
PLANS, SPECIFICATIONS, FORM OF CONTRACT
AND COST ESTIMATE FOR THE
31ST STREET IMPROVEMENTS – PHASE II:
2ND AVENUE TO AVENUE B
FY09-05F**

WHEREAS, the City wishes to make improvements known as the 31st Street Improvements – Phase II: 2nd Avenue to Avenue B, within the City, as therein described; and

WHEREAS, the plans, specifications, form of contract and cost estimate are on file in the office of the city clerk.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of contract and cost estimate for the 31st Street Improvements – Phase II: 2nd Avenue to Avenue B setting April 14, 2008, at 7:00 p.m. as the date and time of said hearing.

ADOPTED
AND

APPROVED: March 24, 2008

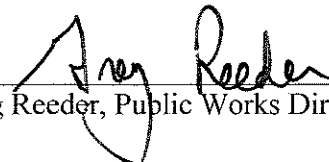
Thomas P. Hanafan, Mayor

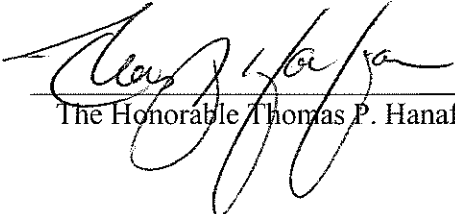
ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: <u>Public Works</u>	Ordinance No. Resolution No. <u>08-80</u>	First Reading March 24, 2008
Case/Project No.		
Applicant .		
Subject/Title		
After the public hearing, action is needed on a resolution authorizing the application for the FY2009 State Transit Assistance.		
Background/Discussion		
<ul style="list-style-type: none">▪ Every year the City of Council Bluffs is required to submit an application for State Transit Assistance with the Iowa Department of Transportation's Joint Participation Agreement to provide State Transit Assistance to Iowa's public transit systems.▪ We are required to submit to the IDOT office of Public Transit a notice of public hearing, the attached authorizing resolution and copy of city council minutes of the meeting where the public hearing is held.▪ The State Transit Assistance formula is based on ridership, revenue miles, operating expense and local match. Currently our STA payments are on track to be at \$165,000 for FY08 which equals 20% of the total transit budget.▪ The Iowa Department of Transportation has indicated that the City will be eligible for an estimated \$143,000 of operational assistance for FY2009. Application for the assistance has been prepared by city staff and MAPA and must be submitted to IDOT.		
Recommendation		
That the City Council approve the resolution authorizing application for FY2009 State Transit Assistance.		


Greg Reeder, Public Works Director/City Engineer


The Honorable Thomas P. Hanafan, Mayor

NO. 08-80

RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT
AN APPLICATION FOR FY2009
STATE TRANSIT ASSISTANCE

WHEREAS, the City of Council Bluffs will be eligible for an estimated \$143,000 of operational assistance for transit from the State of Iowa for FY2009 and;

WHEREAS, the City Council of the City of Council Bluffs believes that it is in the best interest of the City to submit an application for State Transit Assistance to the IDOT: and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on March 24, 2008.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized and directed to apply for State Transit Assistance and to enter into any necessary related contracts with the IDOT.

ADOPTED
AND
APPROVED March 24, 2008

Thomas P Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk



Iowa Department of Transportation

Authorizing Resolution

We, hereby, authorize, Thomas P. Hanafan, Mayor

(Name of Authorized Signatory)

on behalf of City of Council Bluffs

(Legal Name of Applicant)

to apply for financial assistance as noted below and to enter into related contract(s) with the Iowa Department of Transportation.

From the State Transit Assistance Program:

1.435136 % of formula funds;

From federal formula funds for transit in non-urbanized areas (including transit serving primarily elderly persons and person with disabilities):

\$ _____ ;

From state-wide federal capital assistance for transit:

\$ _____ .

We understand acceptance of federal transit assistance involves an agreement to comply with certain labor protection provisions.

We certify that City of Council Bluffs has sufficient non-federal

(Legal Name of Applicant)

funds to provide required local match for capital projects and at time of delivery will have the funds to operate and maintain vehicles and equipment purchased under this project.

We request that State Transit Assistance formula funding be advanced as allowed by law, to improve transit system cash flow.

Adopted the _____ day of _____ , _____ .

Name: City of Council Bluffs City Council

(Applicant's Governing Body)

By: _____

(Signature of Chief Executive Officer)

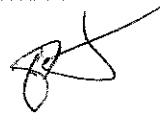
Title: Mayor

Address: 209 Pearl Street, Council Bluffs IA 51503

Telephone: 712-328-4601

Council Communication

Department: Community Development Offer To Buy City Property Applicant: Habitat for Humanity	Resolution of Intent No. <u>08-57</u> Resolution to Dispose No. <u>08-81</u>	Set Public Hearing: 03/10/08 Public Hearing: 03/24/08
Subject/Title Request of Habitat for Humanity to purchase 924 Avenue C (Legal Description: The West 1/2 of Lot 4, Block 13, Grimes Addition).		
Background/Discussion Habitat for Humanity has submitted an Offer to Buy the property at 924 Avenue C, legally described as the West 1/2 of Lot 4, Block 13, Grimes Addition. The City acquired the property pursuant to a Court Order filed in November, 2007. This property measures 33 feet by 90 feet and is zoned R-2/Two Family Residential. Upon acquisition, Habitat will also acquire the property at 920 Avenue C, which is the East 1/2 of Lot 4. This will result in a 66 foot x 90 foot lot. A single family structure will then be constructed on site.		
Recommendation The Community Development Department recommends disposal of the West 1/2 of Lot 4, Block 13, Grimes Addition to Habitat for Humanity for a value equal to the City's demolition costs plus any outstanding levies on the property.		
Attachment: Picture and location map. Prepared By: Rebecca Sall, Planning Technician, Community Development Department		



4 B

Prepared by: Community Development Dept., Co. Bluffs, IA 51503 – Phone: 328-4629
Return to: City Clerk, 209 Pearl Street, Co. Bluffs, IA 51503 – Phone: 328-4616

RESOLUTION NO. 08-81

A RESOLUTION AUTHORIZING DISPOSAL OF CITY PROPERTY LEGALLY DESCRIBED AS THE WEST 1/2 OF LOT 4, BLOCK 13, GRIMES ADDITION.

WHEREAS, this City Council previously expressed its intent to dispose of 924 Avenue C, legally described as the West 1/2 of Lot 4, Block 13, Grimes Addition; and

WHEREAS, a public hearing has been held in this matter.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Habitat for Humanity and all successors in interest: The West 1/2 of Lot 4, Block 13, Grimes Addition for the sum of \$15,000 with Habitat providing \$4,200 in cash at closing plus all other closing costs with the balance of \$10,800 to be financed by the City and forgiven upon development of the lot.

ADOPTED
AND

APPROVED: March 24, 2008

Thomas P. Hanafan Mayor

ATTEST:

Judith H. Ridgeley City Clerk

OFFER TO BUY - 924 AVENUE 'C'





Council Communication
March 24, 2008 City Council Meeting

Department: Community Development Case/Project No.: N/A	Ordinance No.: N/A Resolution No.: <u>08-82</u>	First Reading: N/A Second Reading: N/A Third Reading: N/A Public Hearing: <u>03/24/08</u>						
Subject/Title								
Mid-City Grading, Phase I – Approval of plans, specifications & form of contract								
Location								
Lots bounded by Avenue B, Creek Top, 13 th Street and 12 th Street and lots bounded by 13 th Street, the Broadway viaduct and the railroad tracks to the east and south								
Background/Discussion								
<p><u>Background</u></p> <p>The Mid-City Railroad Corridor project area is a 36 block area encompassed on the north by Avenue G; on the south by 5th Avenue; on the west by Indian Creek and 13th Street; and on the east by 10th Street. The City has been working on the acquisition and demolition of vacant and blighted properties in the area for eventual redevelopment. Redevelopment efforts include the extension of the City's trail system, realignment and construction of public infrastructure, railroad consolidation and the development of open space and recreational uses. To date 34 properties have been acquired in the area. With these acquisitions, enough land has been accumulated to grade and seed several areas so they are more presentable and can be easily maintained.</p> <p><u>Discussion</u></p> <p>The Mid-City Grading, Phase I project will involve grading lots bounded by Avenue B, Creek Top, 13th Street and 12th Street and lots bounded by 13th Street, the Broadway viaduct and the railroad tracks to the east and south. Upon completion of grading the parcels will be seeded with a low growing wild flower mix. The Community Development Department has determined a timeline for the Mid-City Grading, Phase I. It is anticipated that existing project fund balances will be sufficient to pay for project costs. In order to proceed, a public hearing on the plans, specifications and form of contract was set for March 24, 2008 at 7:00 p.m. in the City Council chambers. After this public hearing, we are asking City Council for approval of these documents. The City Clerk shall also be authorized to advertise for bids setting April 17, 2008 at 2:00 p.m. as the date and time for the bid opening for the project. The rest of the timeline shall be as follows:</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="padding-right: 20px;">April 28, 2008</td> <td>City Council award of contract</td> </tr> <tr> <td>May 1, 2008</td> <td>Start construction work</td> </tr> <tr> <td>June 27, 2008</td> <td>Construction work complete</td> </tr> </table>			April 28, 2008	City Council award of contract	May 1, 2008	Start construction work	June 27, 2008	Construction work complete
April 28, 2008	City Council award of contract							
May 1, 2008	Start construction work							
June 27, 2008	Construction work complete							
Staff Recommendation								
The Community Development Department recommends approval of the plans, specifications and form of contract for the Mid-City Grading, Phase I project. The City Clerk shall also be directed to advertise for bids setting April 17, 2008 at 2:00 p.m. as the date and time for the bid opening for the project.								
Attachments								
Plans, specifications and form of contract for the Mid-City Grading, Phase I have been attached for consideration.								

Submitted by: Tina Hochwender, Project Coordinator, Community Development Department
 Approved by: Donald D. Gross, Director, Community Development Department

4C



RESOLUTION NO. 08-82

A RESOLUTION APPROVING THE PLANS, SPECIFICATIONS AND FORM OF CONTRACT FOR THE MID-CITY GRADING, PHASE I AND DIRECTING THE CITY CLERK TO ADVERTISE FOR BIDS SETTING APRIL 17, 2008 AT 2:00 P.M. AS THE DATE AND TIME FOR THE BID OPENING FOR THE PROJECT.

WHEREAS, The City wishes to make improvements known as the Mid-City Grading, Phase I project within the City, as therein described; and

WHEREAS, This project will involve grading lots bounded by Avenue B, Creek Top, 13th Street and 12th Street and lots bounded by 13th Street, the Broadway viaduct and the railroad tracks to the east and south; and

WHEREAS, Such improvements are required to prepare the site for seeding and continued maintenance; and

WHEREAS, The plans, specifications and form of contract for the Mid-City Grading, Phase I project are on file in the office of the City Clerk; and

WHEREAS, A Notice of Public Hearing was published as required by law and a public hearing was held on March 24, 2008.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the plans, specifications and form of contract for Mid-City Grading, Phase I project are hereby approved and the City Clerk is hereby authorized to advertise for bids for such project, setting April 17, 2008 at 2:00 p.m. as the date and time for the bid opening.

ADOPTED

AND

APPROVED: March 24, 2008

Thomas P. Hanafan

Mayor

ATTEST:

Judith H. Ridgeley

City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY09-09
Applicant

Ordinance No.
Resolution No. 08-83

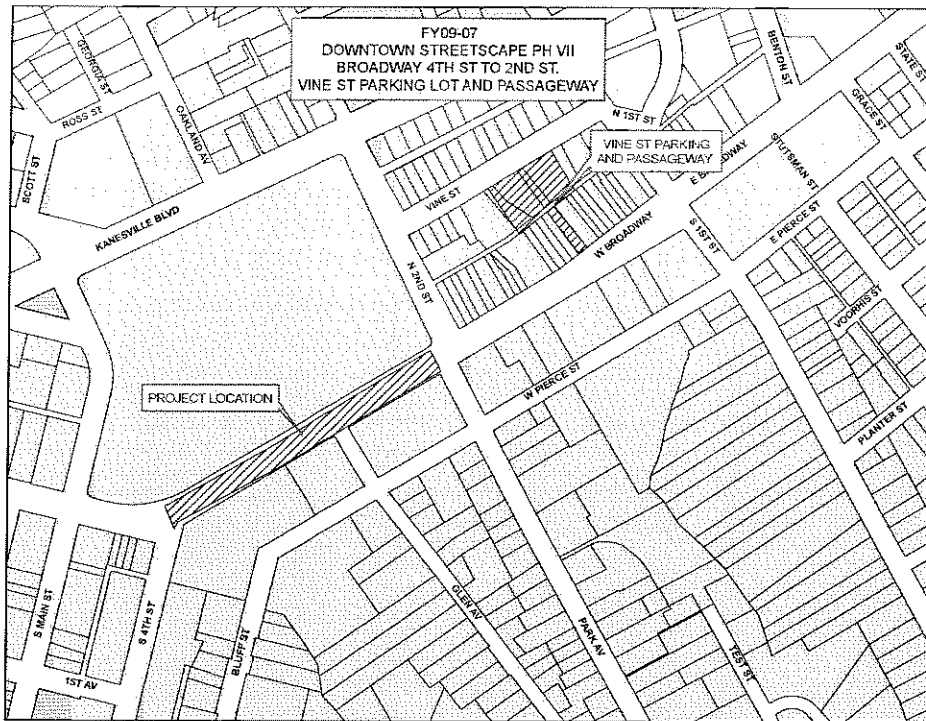
Council Action March 24, 2008

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting April 17, 2008, at 10:00 a.m. as the date and time for the bid opening for Broadway Streetscape-Phase I also called (Downtown Streetscape-Phase VII-Broadway.)

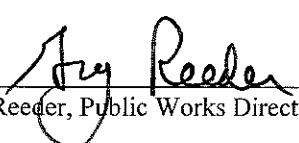
BACKGROUND/DISCUSSION

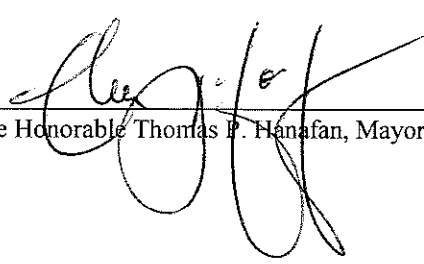
- The city, in partnership with Iowa West Foundation has implemented a program to rebuild the downtown public infrastructure and incorporate a streetscape theme. Six phases have been completed to date. The first phase was in 1998 and the sixth was in 2003.
- To date the total cost of the program is \$10,266,000.
- Proposed is Phase VII overall and Phase I of II for the Broadway section. Phase I is from 4th Street to 2nd Street and Phase II is from 2nd Street to 1st Street.
- Improvements in Phase VII include street, storm sewer, and sanitary sewer replacement. Streetscape amenities include landscaping, irrigation, walls, entry columns, interpretive elements, benches, street lights, and decorative concrete and brick.
- The scope of Phase VII also includes rehab of the Vine Street parking lot and the alley behind the 100 block of West Broadway. The passageway that connects the 100 block to the Vine Street parking lot will also be improved.
- This is project FY09-07 in the CIP and total cost of the project is estimated at \$2,100,000. The city has programmed \$1,050,000 in FY09 GO Bonds. There is an Iowa West Foundation grant for \$1,050,000.
- Project schedule provides for a public hearing March 24th, letting April 17th, award of contract April 28th, and construction completion by the end of 2008.



RECOMMENDATION

Approval of this resolution.


Greg Reeder, Public Works Director/City Engineer


The Honorable Thomas P. Hanafan, Mayor

RESOLUTION
NO. 08-83

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
BROADWAY STREETScape – PHASE I ALSO CALLED
(DOWNTOWN STREETScape-PHASE VII-BROADWAY)
FY09-09**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Broadway Streetscape-Phase I; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on March 24, 2008.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract and cost estimate are hereby approved for the Broadway Streetscape-Phase I and the City Clerk is hereby authorized to advertise for bids for said project.

ADOPTED
AND
APPROVED March 24, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY08-36
Applicant: _____

Ordinance No. _____
Resolution No. 08-84

Council Action: March 24, 2008

SUBJECT/TITLE

After the Public Hearing council consideration of a resolution approving the plans and specifications and authorizing the City Clerk to advertise for bids setting May 6, 2008, at 10:00 a.m. as the date and time for the bid opening for Public Works Fleet Maintenance Facility

BACKGROUND/DISCUSSION

- The existing fleet maintenance facility has been located at 12th Street and 2nd Avenue since 1984. The 11,850 square foot building was originally built by the phone company.
- The existing building and site are too small and antiquated to meet the needs of the fleet maintenance program for the city. Fleet Maintenance maintains all department vehicles including police and fire. The building cannot accommodate the volume, size, and complexity of today's public vehicles.
- Building deficiencies include functional, mechanical and environmental conditions (ventilation, heating, air conditioning, plumbing), and electrical.
- The conclusion of an analysis was a new facility was required.
- In 2002, the city acquired the 2.24 acre old CO-OP site at 8th Street & 10th Avenue for an expansion of Public Works facilities. Currently, sewer department pump station maintenance crews and the Parks Dept. building maintenance crews operate at that location.
- In Spring, 2007, the city acquired an additional 7.6 acres to the west of the CO-OP parcel. The long range plan is for all public works facilities to be relocated to this area.
- Fall of 2007, the city awarded a contract for site preparation of the area to site a new fleet maintenance facility.
- The proposed Fleet Maintenance facility is about 25,000 square feet and contains 12 bays for vehicle maintenance as well as storage and office space.

- This is project FY08-36 in the CIP.

Project Costs are:

Land	\$ 525,000
Building	\$3,920,000
Off Site Utilities	\$ 600,000
Engineering	\$ 406,000
Contingency	\$ <u>549,000</u>

Total	\$6,000,000
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Project Funding

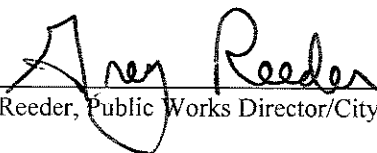
FY07 Gaming-Capital	\$ 775,000
FY08 Gaming-Capital	\$2,300,000
FY09 Gaming-Capital	\$1,300,000
FY08 G.O. Bonds	\$ 700,000
FY09 Sales Tax	\$ 600,000
FY08 Gaming-Depreciation	\$ 150,000
FY09 Gaming-Depreciation	\$ <u>200,000</u>

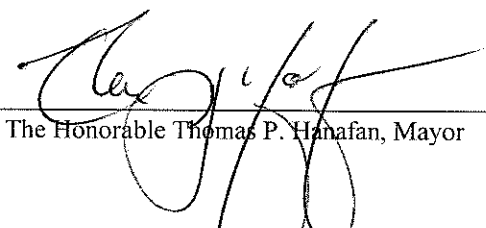
Total Funding	\$6,025,000
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- Project Schedule provides March 24th Public Hearing; May 6th Letting; May 19th Contract Award, and construction completion Spring 2009.

RECOMMENDATION

Approval of this resolution.


 Greg Reeder, Public Works Director/City Engineer


 The Honorable Thomas P. Hanafan, Mayor

RESOLUTION

No. 08-84

**RESOLUTION APPROVING THE PLANS, SPECIFICATION,
FORM OF CONTRACT AND COST ESTIMATE FOR THE
PUBLIC WORKS FLEET MAINTENANCE FACILITY
FY08-36**

WHEREAS, the plans, specification, form of contract and cost estimate are on file in the office of the City Clerk of the City of Council Bluffs, Iowa for the Public Works Fleet Maintenance Facility; and

WHEREAS, A Notice of Public Hearing was published as required by law, and a public hearing was held on March 24, 2008.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the plans, specifications, form of contract and cost estimate are hereby approved for the Public Works Fleet Maintenance Facility and the City Clerk is hereby authorized to advertise for bids for said project.

**ADOPTED
AND
APPROVED: March 24, 2008**

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: Legal	Ordinance No. <u>5978</u>	First Reading <u>3/24/2008</u>
Case/Project No.	Resolution No. _____	Second Reading _____
Applicant.		Third Reading _____
SUBJECT/TITLE		
Ordinance amending Section 3.08.045 to provide an additional exception for the granting of temporary liquor licenses for outdoor sales and consumption in city parks and on city property, when an event has been approved through the city's special events process.		
BACKGROUND		
<p>There is a general requirement in our city code that all liquor licensed premises shall be enclosed within four walls. Over the years, there have a number of exceptions carved out that permit certain types of outdoor licensed premises. It has been requested in the past that liquor licenses be granted for events in parks and on other public property, and we have recently received a request for beer garden-type activity at the sports complex in connection with a series of adult softball tournaments. The only existing exception requires a 500 foot buffer from a residential use, and only allows one such event per year. The ordinance being proposed eliminates the 500 foot buffer and does not limit a location to one event per year. It does require that the proposed event be approved through the city's special event application process, wherein each affected department would have an opportunity to review the proposal and place certain conditions on approval.</p>		
Recommendation		
The Parks and Public Property Commission has reviewed this ordinance and does recommend its passage by the city council.		

Richard Wade

Department Head Signature

Mayor Signature

5 A

ORDINANCE NO. 5978

AN ORDINANCE to amend Chapter 3.08 “Beer and Liquor Control” of the 2005 Municipal Code of Council Bluffs, Iowa, by amending Section 3.08.045 “Exceptions to Section 3.08.040(5)”, to include provisions for special events in city parks or held on city property pursuant to the city authorized special event application.

B E I T O R D A I N E D
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That Chapter 3.08 “Beer and Liquor Control” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 3.08.045 “Exceptions to Section 3.08.040(5)”, to read as follows:

3.08.045 Exceptions to Section 3.08.040(5).

(a) Open-air Dining—Exception. If an applicant can establish that approximately fifty (50) percent of its gross revenues are derived, or are likely to be derived from the sale of nonalcoholic food items, and if the establishment is or is to be located in an area zoned C-4, or in an area zoned C-2 and is not within fifty (50) feet of a residential zone, or a nonresidential area other than C-4 or C-2, and is not within three hundred (300) feet of a residential use or zone. The restrictions established in Section 3.08.040(5) of this chapter, need not apply to the entire premises if the conditions listed above are met. For that portion of the premises which the applicant wishes to exclude from such restrictions, the following restrictions must be complied with:

- (1) It must be so enclosed so that it may only be entered from that portion of the premises which is in compliance with Section 3.08.040(5) of this chapter.
- (2) All exits from such area shall be for emergency use only and shall be equipped with the appropriate hardware to ensure such limited use.
- (3) No amplified music shall be permitted in such area.
- (4) No live dancing, such as go-go dancing, strip tease acts or exotic dancing shall be permitted in such area.
- (5) Such area must be approved by the health department for open-air dining.
- (6) Outdoor dining facilities in C-2 zones shall not allow alcohol sales or consumption in their outdoor areas between the hours of twelve midnight and six a.m.
- (7) If the application is for an establishment in a C-2 zone, the applicant shall have the duty to notify all property owners within three hundred (300) feet of the premises to be licensed. This notice shall be given in the following fashion: (A) applicant shall establish a list of parties to be notified through utilization of the records of the county auditor; (B) applicant shall prepare envelopes addressed to each of the parties identified in subsection a)(7)(A) of this section, with the appropriate postage for certified delivery affixed thereto;

(C) applicant shall prepare a notice for each of such property owners, advising of the nature of the action which is being sought, including the date it is to be acted upon by the city council; (D) applicant shall deliver all of the above to the city clerk at least ten (10) days prior to the date at which the action is proposed to be taken; (E) it shall be the duty of the city clerk to insert the notices into the envelopes and deliver same to the post office within forty-eight (48) hours of receipt.

(b) Golf-courses—Exception. The restrictions established in Section 3.08.040(5) of this chapter shall not apply to golf courses consisting of fifteen (15) acres or more.

(c) Stadium-type Activities—Exception. For the purpose of this section, a stadium-type activity is a sporting event to which there is controlled access and paid admission. It shall only be permitted in areas zoned nonresidential and shall not be permitted within three hundred (300) feet of a residential use or zone. The restrictions established in Section 3.08.040(5) of this chapter, need not apply to the entire premises if the conditions listed above are met. For that portion of the premises which the applicant wishes to exclude from such restrictions, the following restrictions must be complied with:

(1) It must be enclosed by a fence or a wall at least six feet high.

(2) It must be enclosed so that it may only be entered from that portion of the premises which is in compliance with Section 3.08.040(5) of this chapter.

(3) All exits from such area shall be for emergency use only and shall be equipped with the appropriate hardware to ensure such limited use.

(4) No amplified music shall be permitted in such area.

(5) No live dancing, such as go-go dancing, strip tease acts or exotic dancing shall be permitted in such area.

(d) Special Events—Exception. The restrictions established in Section 3.08.040(5) of this chapter shall not apply to special events as long as they are not held within five hundred (500) feet of a residential use. For purposes of this exception, a special event shall last a maximum of seventy-two (72) hours, and the applicant and location shall only be permitted this exception once annually. This special event exception shall only be permitted if the following restrictions are satisfied:

(1) The applicant has developed a plan to address crowd and traffic control at the special event which has been approved by the chief of police. This approval shall not be unreasonably denied and, if an applicant's plan is denied, he/she may appeal such denial to the city council by filing with the city clerk a written notice of appeal within ten (10) days of the chief's denial of such plan;

(2) The applicant has developed a plan to comply with state and city health codes which has been approved by the city's director of public health. This approval shall not be unreasonably denied and, if an applicant's plan is denied, he/she may appeal such denial to the city council, as long as notice of such appeal is presented in writing to the city clerk within ten (10) days of the date upon which the director denied such plan;

(3) Premises authorized under this exception shall not be permitted to operate between the hours of twelve midnight and six a.m.;

(4) Applicant's failure to abide by any of these restrictions and the plans approved herein or any other city or state law governing the sale and/or dispensing of alcoholic beverages shall be grounds for the immediate cessation of a special event exception.

(e) PC and A-3—Exception. The restrictions established in Section 3.08.040(5) of this chapter shall not apply to liquor license establishments which are located in either a PC or

an A-3 zone as long as the following criteria have been met:

(1) The licensed premises is not within five hundred (500) feet of a residential zone.

(2) Access to the licensed premises is restricted.

(f) For purposes of this section, when determining the distance from a residential use or zone, it will be measured from the property line of the residential use or zone to the actual licensed premises.

(g) For purposes of this section, nonresidential zones shall include those zones for which a residential dwelling is not a principal use.

(h) Special events in city parks or held on city property pursuant to city authorized Special Event Application – exception. The restriction established in Section 3.08.040(5) of this chapter shall not apply to special events held in city parks or upon other city property pursuant to the city authorized special event application and approval process. This special event exception shall only be permitted if the following restrictions are satisfied:

(1) The applicant has developed a plan to address crowd and traffic control at the special event which has been approved by the chief of police. This approval shall not be unreasonably denied and, if an applicant's plan is denied, he/she may appeal such denial to the city council by filing with the city clerk a written notice of appeal within ten (10) days of the chief's denial of such plan;

(2) The applicant has developed a plan to comply with state and city health codes which has been approved by the city's director of public health. This approval shall not be unreasonably denied and, if an applicant's plan is denied, he/she may appeal such denial to the city council, as long as notice of such appeal is presented in writing to the city clerk within ten (10) days of the date upon which the director denied such plan;

(3) Premises authorized under this exception shall not be permitted to operate between the hours of twelve midnight and six a.m.;

(4) Applicant's failure to abide by any of these restrictions and the plans approved herein or any other city or state law governing the sale and/or dispensing of alcoholic beverages shall be grounds for the immediate cessation of a special event exception.

SECTION 2. REPEALER. All ordinances or parts or ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. (Ord. 5882 § 1, 2006).

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

First Consideration: March 24, 2008

Second Consideration: _____

Public Hearing: _____

Third Consideration: _____

Council Communication

Department: Community Development	Ordinance No. <u>5979</u>	City Council: 3-24-08 Planning Commission: 3-11-08 First Reading: <u>March 24, 2008</u> Second Reading: _____ Third Reading: _____
Case #ZC-08-003 Case #PR-08-002 Applicant: Hospice of Southwest Iowa	Resolution No. _____	

Subject/Title

1. Rezone 5.46 acres of Lot 2, Auditor's Subdivision of the NW¼ NW¼ and Lot 5, Auditor's Subdivision of the NE¼ NW¼ all in Section 30-75-43 from R-1/Single Family Residential to R-3/Low Density Multi-family Residential with a Planned Residential Overlay. Location: 1500 North Broadway.
2. Adopt a Planned Residential Development Plan for Hospice of Southwest Iowa to construct a 22,500 square foot hospice facility with 16 hospice rooms and supportive administrative space. Future expansion for eight additional hospice rooms is shown on the attached site plan.

Background/Discussion

Hospice of Southwest Iowa, affiliated with Mercy Hospital, has entered into a lease agreement with Jennie Edmundson Hospital for the Dudley property located at 1500 North Broadway to build and operate a 16 room hospice care facility with room to add another 8 room wing. Hospice of Southwest Iowa is a non-profit organization whose mission is 'to provide loving care for the individual and their family in the last days of a person's life'. The 22,500 square foot facility includes administrative space and 2,500 square feet of office space for professional staff who will provide home hospice care. The building was designed to maintain a residential character. If approved, site preparation would start in May 2008, with construction to start in August and taking about 11 months to complete.

Currently, this property and all of the surrounding land are zoned R-1/Single Family Residential. In 1999, Jennie Edmundson requested rezoning to R-3 to build a non-profit retirement living facility with 26 to 32 apartments. The Community Development Department recommended rezoning with several conditions, including proof of transfer to the party that intended to own and operate the facility. The transfer and therefore the rezoning did not take place.

In 1928, the subject property was zoned 'A-Residential One and Two Family' and rezoned to R-1/Single Family residential with adoption of the 1965 Zoning Map. The 1994 Comprehensive Plan designates this area for one and two family residential use. A single family residential subdivision with a higher density could be built on this property with the current R-1 zoning than that proposed by the hospice. Appending the Planned Residential Overlay to the R-3 zoning limits the use to the approved plan. A hospice care facility is a permitted use in an R-3 District. Any major change to the approved Planned Residential Plan requires review by the Planning Commission and action by the City Council.

A drainage study and soils report were presented with the application. Revisions have been made to the development plan submitted with the application which moved the buildings back from the Indian Creek floodway and as a response to the Fire Marshall's concern for emergency response accessibility to the future 8 room wing. The building locations and grading have been revised as shown on Attachment 'A'. The revised plan is acceptable with conditions noted in the recommendation.

At some point, Public Works intends to move Ivy Drive south to align with Locust Lodge. Signalization will likely be warranted. The bridge at Ivy has recently been improved. However, to allow for future roadway and utility improvements, an easement to the City cutting across the northeast corner of the property is required. Public Works also requires a deed for a 10' wide strip for sidewalk extending from the facility's driveway to the bridge. The applicant and owner are aware of these requirements and the survey needed to develop the easement/deed.

A 5' wide public sidewalk must be constructed within the 10' dedicated right-of-way along the north property line from the entrance drive to the bridge with a pedestrian crossing to the north side of Ivy. This sidewalk must also connect to the walkways shown on the plan.

Storm and sanitary sewers can be extended as shown. Public Works recommends locating the detention basin closer to the floodway fringe to help mitigate runoff and to decrease visibility from North Broadway. While the area can't

58

be filled, removal of material for detention is allowed. Utilities can be extended with sufficient capacity to serve the intended use. Aquila and Cox will provide service as requested. The overhead power and natural gas lines serving the house will be removed. Existing water service must be killed before the house is demolished. A licensed master plumber must sign for the new service. The location for the future wing was moved at the Fire Marshal's request. An additional fire hydrant is required at Ivy Drive and at the entrance to the building.

Forty-four parking spaces, including 3 accessible stalls are shown. This number is adequate for the full build out, including the 8 suite future wing. The drive aisles and stall dimensions are consistent with City regulations. The trash enclosure is surrounded on three sides by retaining walls. The gate will need to be complementary in color to the surrounding wall.

Recommendation

The Community Development Department recommends:

1. Rezone 5.46 acres addressed as 1500 North Broadway from R-1/Single Family Residential to R-3/Low-density Multi-family with a Planned Residential Overlay.
2. Approve the Planned Residential Development Plan for Hospice of Southwest Iowa, as shown on Attachment 'A', subject to the following comments and conditions:
 - a. Prior to issuance of any building permit on the property, the City shall be in receipt of a warranty deed for public sidewalk from the entrance drive to the bridge and also an easement for roadway and utility uses to allow for future alignment of the Ivy Drive-Locust Lodge intersection with North Broadway.
 - b. A 5' wide sidewalk built to City standards shall be installed without expense to the City within the 10' wide right-of-way along the north property line, with a pedestrian crossing to the north side of Ivy Drive bridge. This sidewalk shall connect to the walkways within the property with appropriate pedestrian crossings marked. All sidewalks shall be in place prior to issuance of a Certificate of Occupancy for the building.
 - c. The private walk bridge over the Indian Creek channel must be demolished along with the concrete walk leading to it. Fencing to close the gap on both sides of the concrete channel must be done at the same time.
 - d. The developer shall maintain clearances from all existing MidAmerican Energy facilities and pay all costs associated with extending or relocating such facilities.
 - e. The landscape plan as presented is approved, although the plan will need modification to account for any change to the location of the detention basin/s. A planting schedule and irrigation system plan shall accompany the building permit application. Landscaping with the irrigation system consistent with the approved plan, shall be in place prior to issuance of the Certificate of Occupancy for the building.
 - f. The gate to the trash enclosure shall be the same color as the surrounding retaining wall.
 - g. Outside storage is not permitted.
 - h. Signage, as presented is approved. The applicant or authorized agent shall obtain all necessary sign permits.

Public Hearing

Emmett Tinley, 134 Norwood Drive and Pat Birch, Schemmer Associates, 134 South 13th Street, Lincoln, NE representing Hospice of Southwest Iowa appeared before the Planning Commission in favor of the request.

The following appeared before the Planning Commission of ask questions regarding the extent of grading and access to the property: John Seaman, 100 Norton, Janelle Miller, 130 Corrine and Kathleen Kachulis, 116 Ivy Drive.

Planning Commission to City Council

The Planning Commission recommends:

1. Rezone 5.46 acres addressed as 1500 North Broadway from R-1/Single Family Residential to R-3/Low-density Multi-family with a Planned Residential Overlay.
2. Approval of the Planned Residential Development Plan for Hospice of Southwest Iowa subject to the conditions in the staff report.

VOTE: Aye 8 Nay 0 Abstain 0 Absent 3 Motion Carried.

Attachment: Attachment A

Prepared by: Gayle Malmquist, Development Services Coordinator



Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 5979

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED AT 1500 NORTH BROADWAY IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS R-1/SINGLE FAMILY RESIDENTIAL TO R-3/LOW DENSITY MULTI-FAMILY RESIDENTIAL WITH A PLANNED RESIDENTIAL OVERLAY, AS SET FORTH AND DEFINED IN CHAPTERS 15.08B AND 15.10 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located at 1500 North Broadway, as shown on Attachment "A", and legally described as follows:

5.46 acres of Lot 2, Auditor's Subdivision of the NW ¼ NW ¼ and Lot 5, Auditor's Subdivision of the NE ¼ NW ¼ all in Section 30-75-43, Council Bluffs, Pottawattamie County, Iowa,

from its present designation as R-1/Single Family Residential to R-3/Low Density Multi-Family

Residential with a planned residential overlay, as set forth and defined in Chapters 15.08B and 15.10 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest: _____
JUDITH RIDGELEY City Clerk

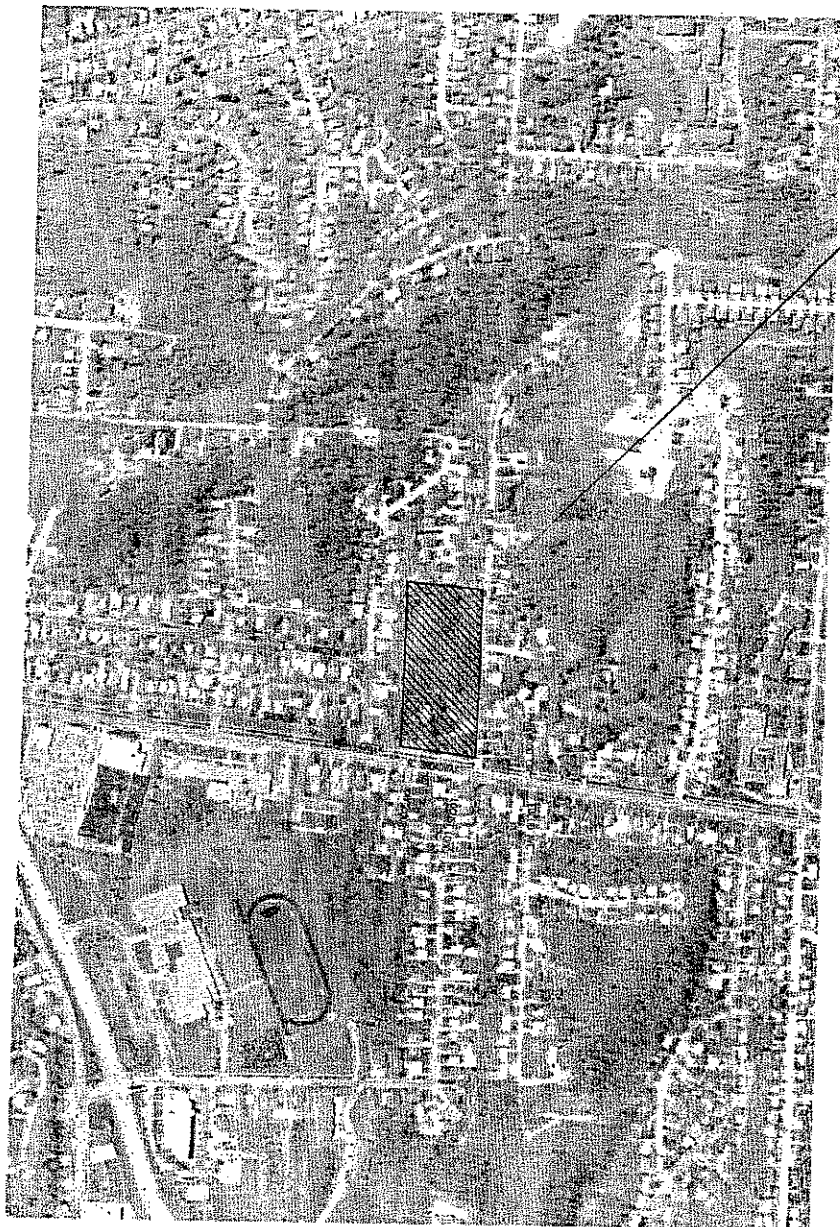
FIRST CONSIDERATION: March 24, 2008
SECOND CONSIDERATION: _____
PUBLIC HEARING: _____
THIRD CONSIDERATION: _____

Planning Case No. ZC-08-003

HOSPICE OF SOUTHWEST IOWA COUNCIL BLUFFS, IOWA DEVELOPMENT PLANS



PROJECT LOCATION



LOCATION MAP

DATE	REVISION
11/11/11	1.00
11/11/11	1.01
11/11/11	1.02
11/11/11	1.03
11/11/11	1.04
11/11/11	1.05
11/11/11	1.06
11/11/11	1.07
11/11/11	1.08
11/11/11	1.09
11/11/11	1.10

LEGAL DESCRIPTION

LOT 1, BLOCK 1, SUBDIVISION 1, ACRES 1.11

ZONING

RESIDENTIAL

FLOODPLAIN

NO FLOODPLAIN

DRAWN

SCHEMMER

DEVELOPER

HOSPICE OF SOUTHWEST IOWA

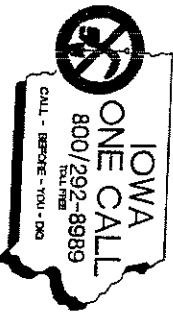
ENGINEER

SCHEMMER

CASE #ZC-08-003

CASE #PR-08-002

ATTACHMENT A



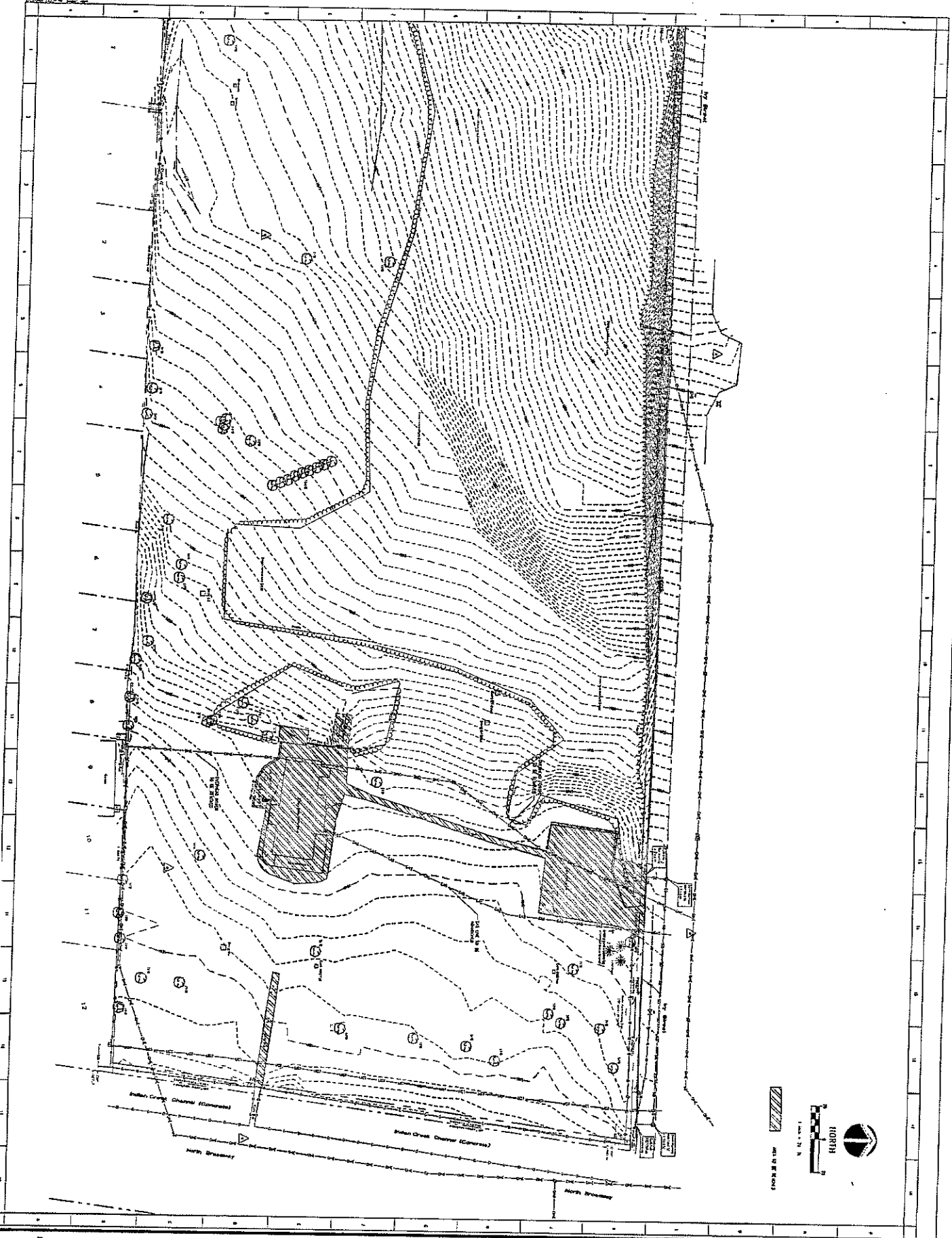
SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

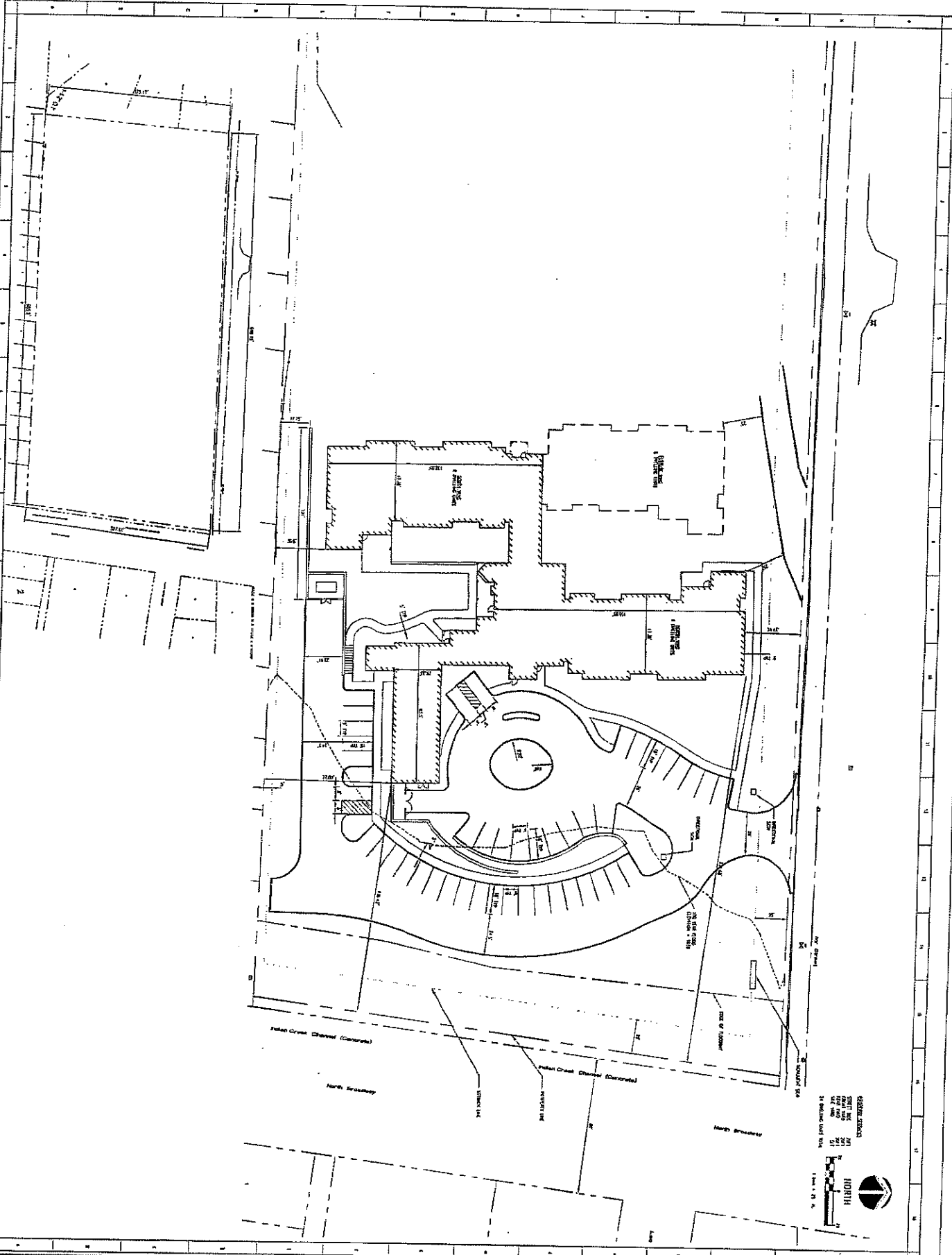
HOSPICE OF SOUTHWEST IOWA
COUNCIL BLUFFS, IA

COVER SHEET
REVISED

PROJECT NO: 05453.001

A.01

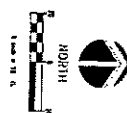
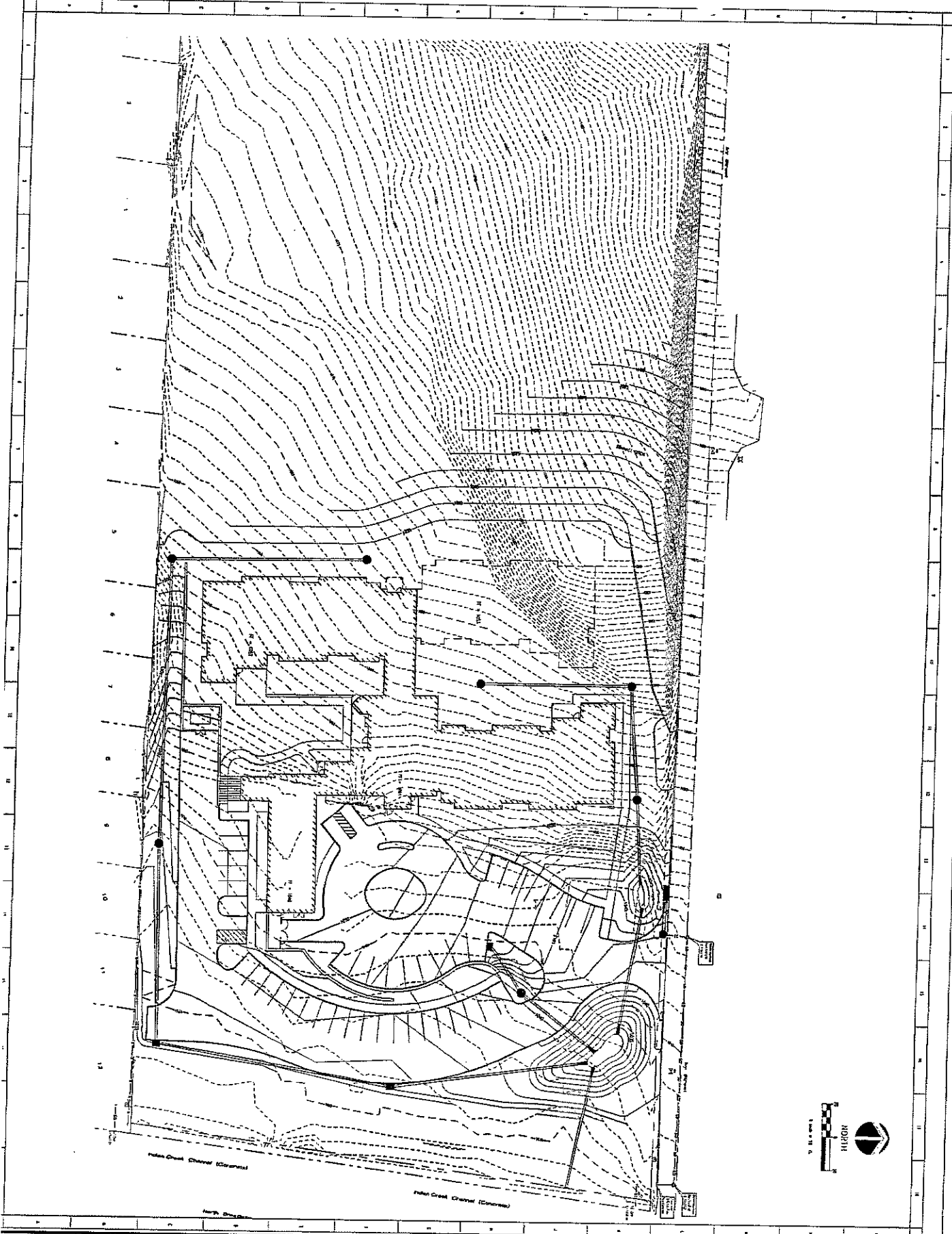




HOSPICE OF SOUTHWEST IOWA
COUNCIL BLUFFS, IA
SITE LAYOUT PLAN
REVISED

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

DISCARD:	037	CPA, Galt, 6/11/78
		MEMPHIS
DOING:	045	NAME: DATE: 7/ 10/78
DATE:	037	



HOSPICE OF SOUTHWEST IOWA

COUNCIL BLUFFS, IA

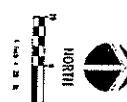
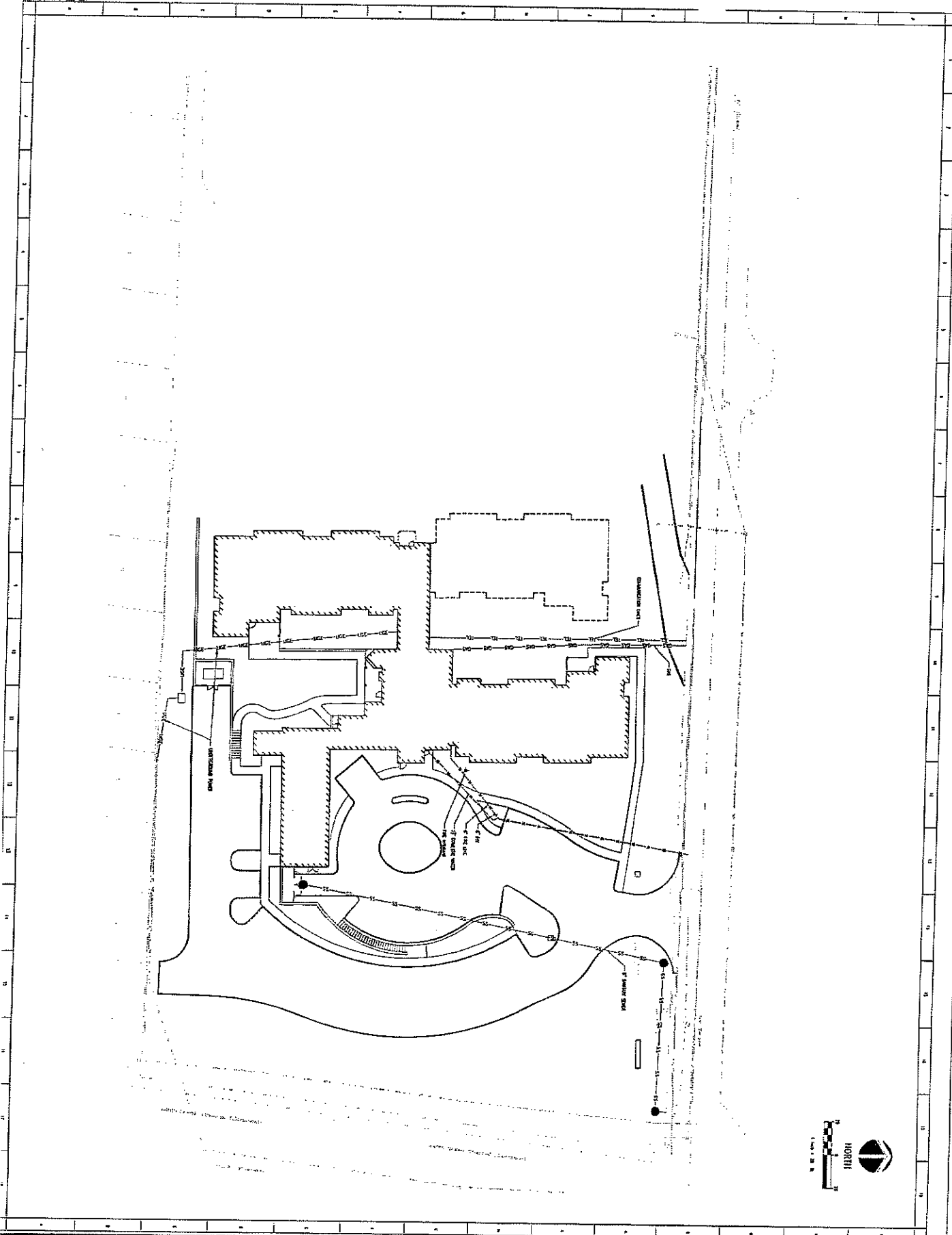
GRADING & DRAINAGE PLAN

REVISED

SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

REVISION	NO.	DATE	BY	DESCRIPTION

C.03



C.04

PROJECT NO.: 05-453.001

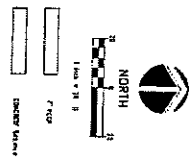
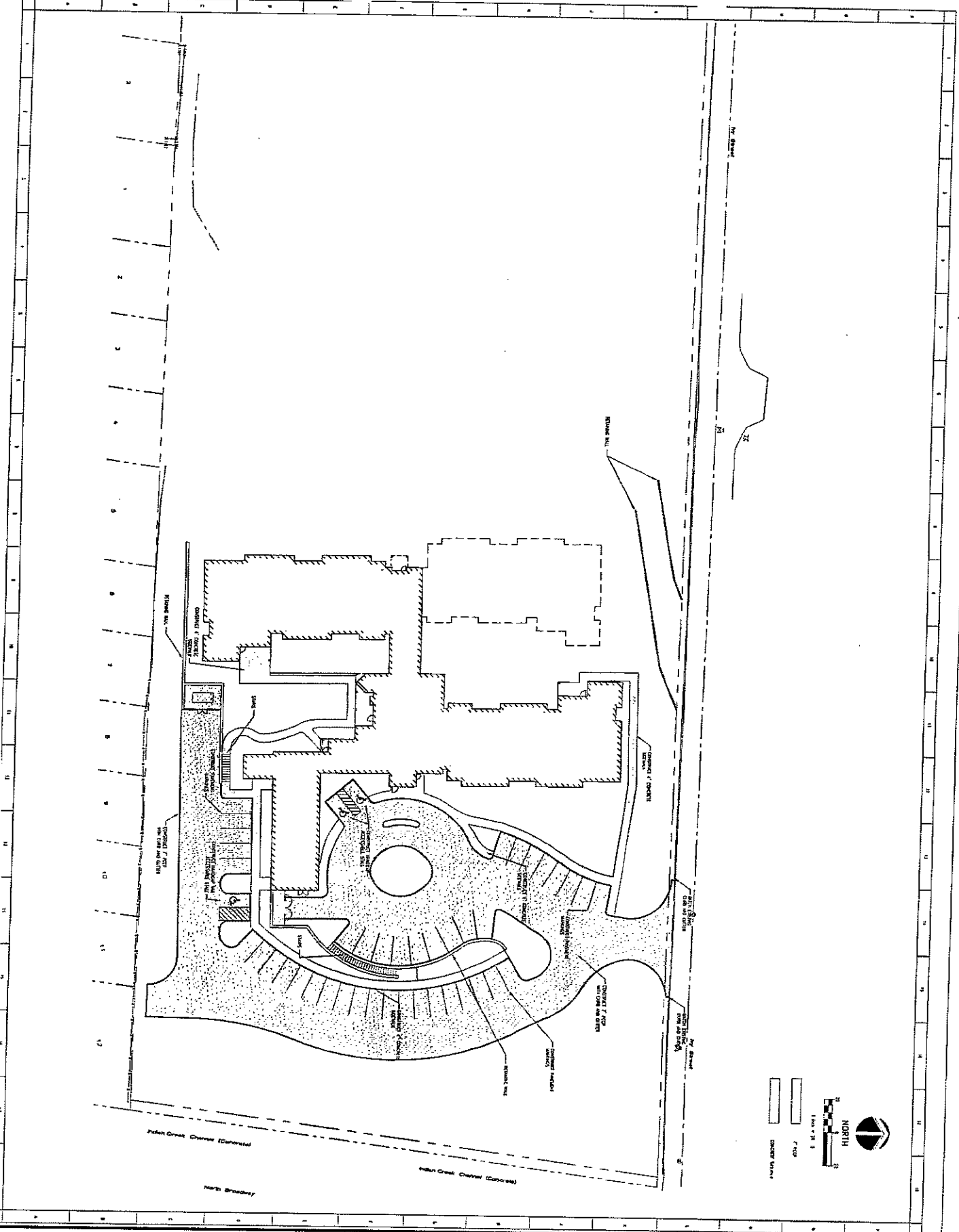
HOSPICE OF SOUTHWEST IOWA
 COUNCIL BLUFFS, IA

SITE UTILITY PLAN

REVISED:

SCHEMMER
 ARCHITECTS | ENGINEERS | PLANNERS

REVISION	BY	DATE	DESCRIPTION
1	AS	12-14-11	ISSUED FOR PERMIT
2	AS	12-14-11	REVISED
3	AS	12-14-11	REVISED
4	AS	12-14-11	REVISED
5	AS	12-14-11	REVISED
6	AS	12-14-11	REVISED
7	AS	12-14-11	REVISED
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18	AS	12-14-11	REVISED
19	AS	12-14-11	REVISED
20	AS	12-14-11	REVISED



HOSPICE OF SOUTHWEST IOWA

COUNCIL BLUFFS, IA

SITE PAVING PLAN

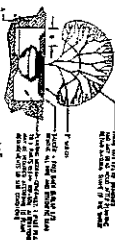
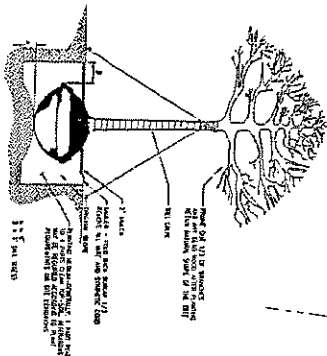
REVISED

SCHEMMER
 ARCHITECTS | ENGINEERS | PLANNERS

DESIGNED BY	DATE	BY	DATE	BY	DATE
CHECKED BY	DATE	BY	DATE	BY	DATE
APPROVED BY	DATE	BY	DATE	BY	DATE

C.05

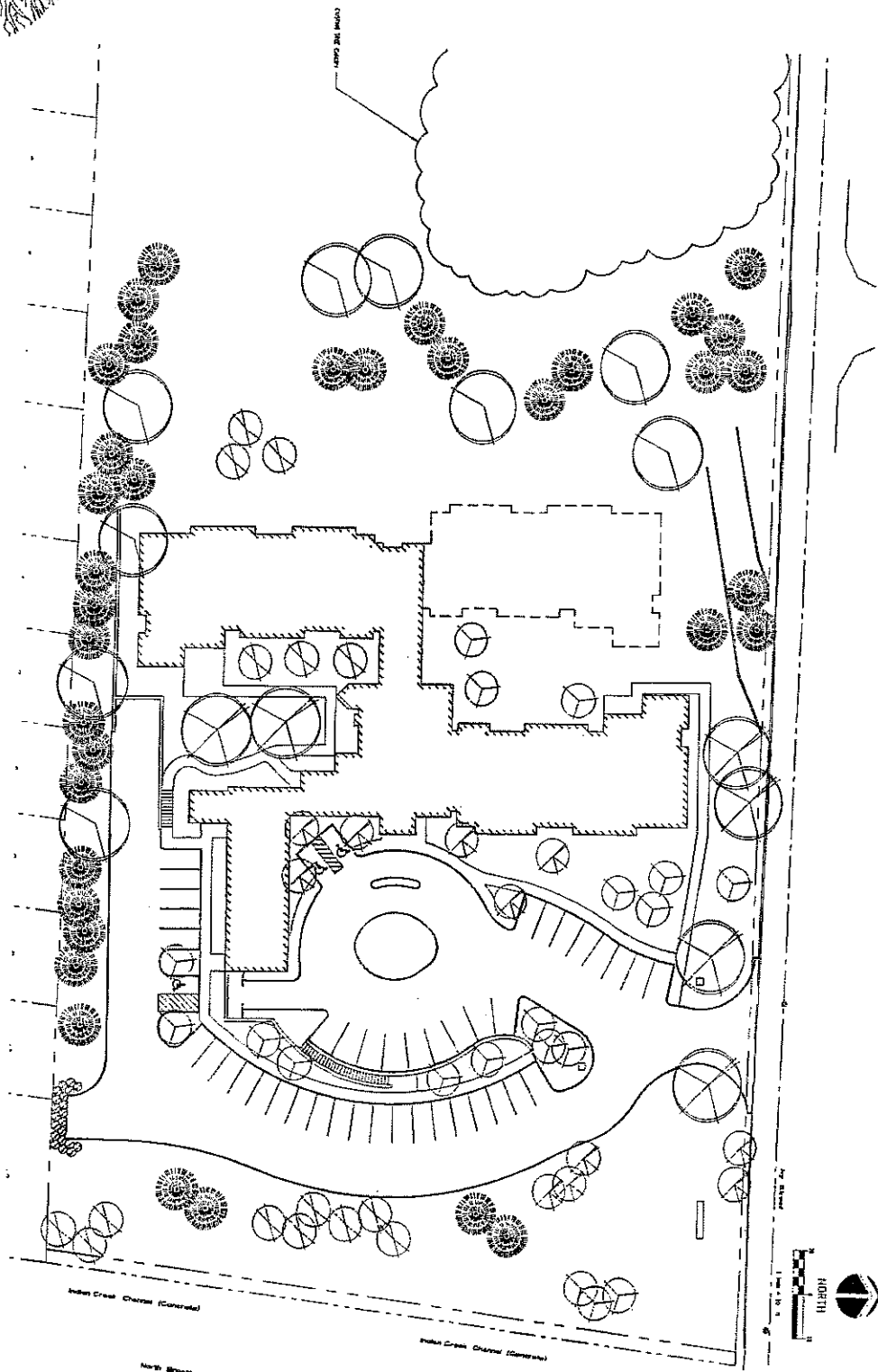
SHRUB PLANTING DETAIL



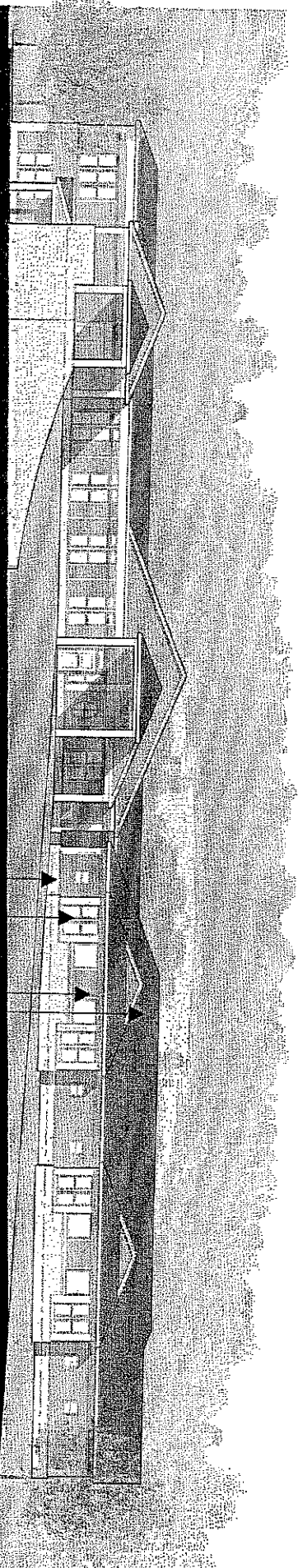
PLAYING SCHEDULE				
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2	THURSDAY	THUR. DINNER	5-6	RAA
3	FRIDAY	FRIDAY DINNER	12-13	RAA
4	SATURDAY	SATUR. DINNER	12-13	RAA
5	SUNDAY	SUNDAY DINNER	12-13	RAA
6	MONDAY	MON. DINNER	7-12	RAA
7	TUESDAY	TUE. DINNER	7-12	RAA
8	WEDNESDAY	WED. DINNER	7-12	RAA
9	THURSDAY	THUR. DINNER	7-12	RAA
10	FRIDAY	FRIDAY DINNER	7-12	RAA
11	SATURDAY	SATUR. DINNER	7-12	RAA
12	SUNDAY	SUNDAY DINNER	7-12	RAA

PLANTING PLAN NOTES

- ### PLANTING PLAN NOTES

[illegible]

1 EAST ELEVATION
10' x 14'

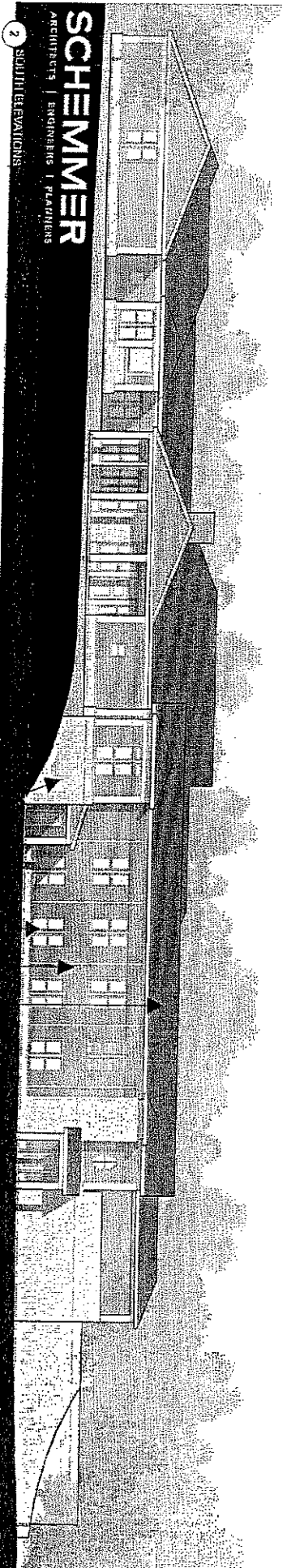


SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

ASPHALT SHINGLE ROOF
PAINTED, CEMENTITIOUS SIDING AND TRIM
ALUMINUM CLAD WOOD DOUBLE HUNG WINDOWS
LIMESTONE

EAST ELEVATION

HOSPICE OF SOUTHWEST IOWA
2 . 12 . 08

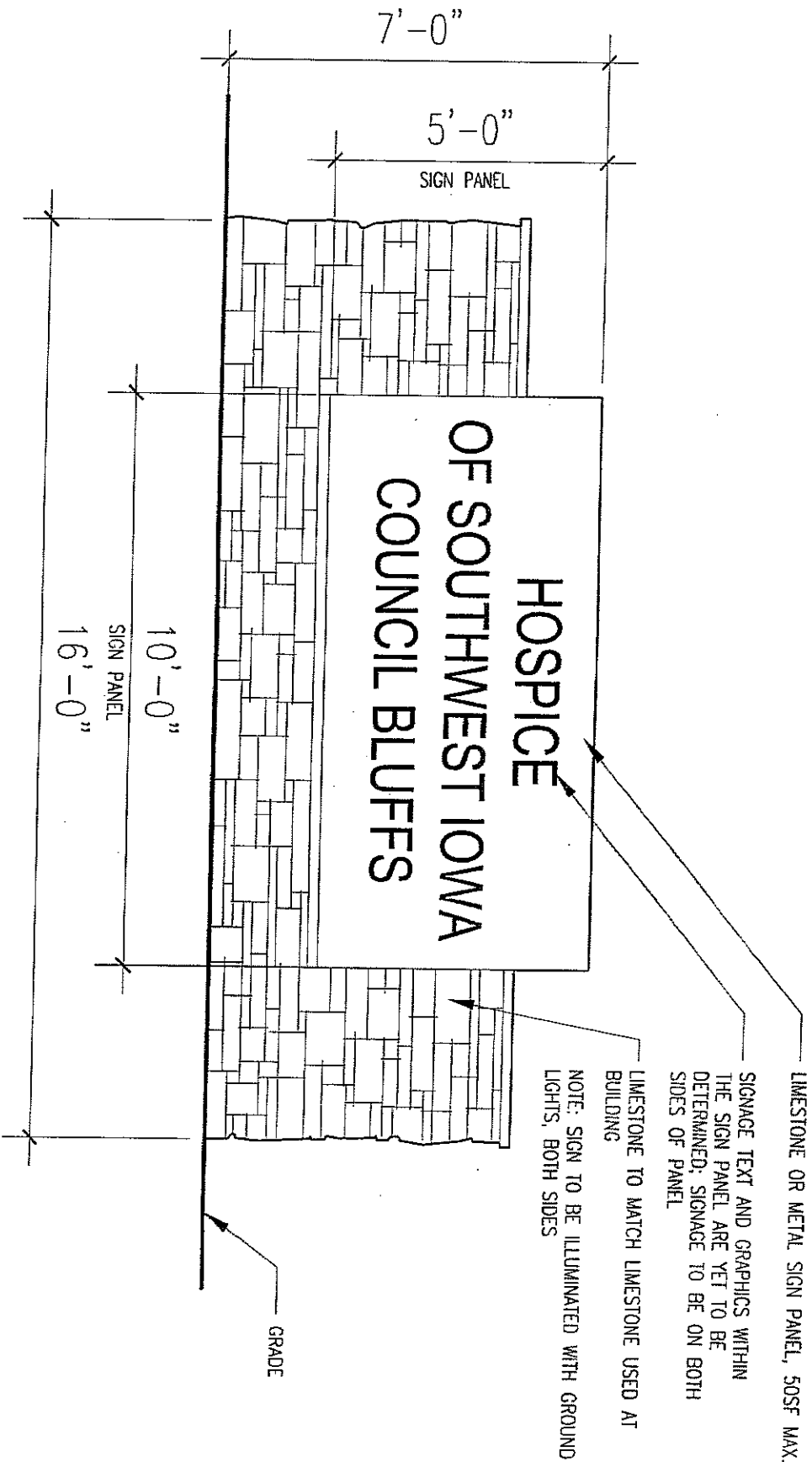


SCHEMMER
ARCHITECTS | ENGINEERS | PLANNERS

2 SOUTH ELEVATIONS

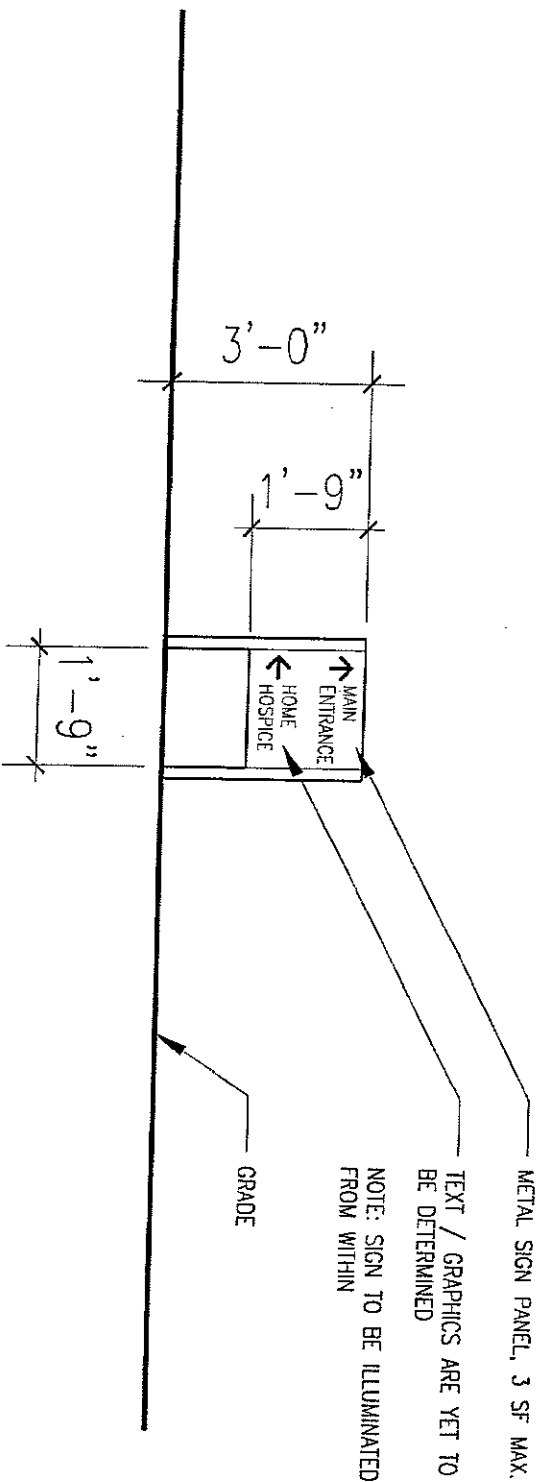
ASPHALT SHINGLE ROOF
PAINTED, CEMENTITIOUS SIDING AND TRIM
ALUMINUM CLAD WOOD DOUBLE HUNG WINDOWS
LIMESTONE

SOUTH ELEVATION
HOSPICE OF SOUTHWEST IOWA
2 . 12 . 08



ELEVATION - MONUMENT SIGN
HOSPICE OF SOUTHWEST IOWA
2 . 12 . 08

SCHENMMEER
ARCHITECTS | ENGINEERS | PLANNERS

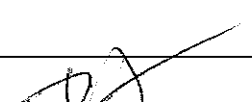


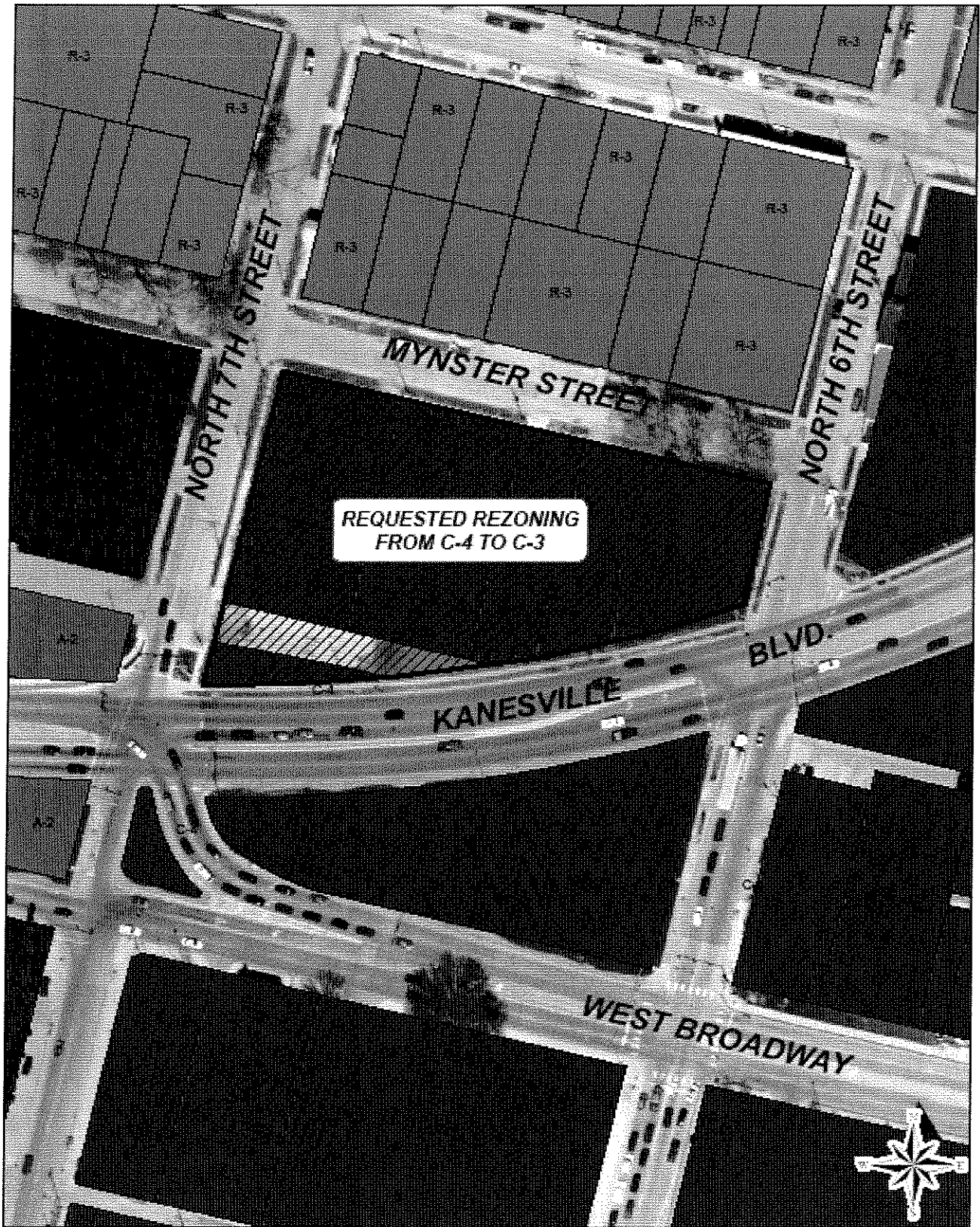
ON-PREMISE DIRECTIONAL SIGN

HOSPICE OF SOUTHWEST IOWA

2 . 12 . 08

Council Communication

<p>Department: Community Development</p> <p>Case #ZC-08-005</p> <p>Applicant: David Kohll</p>	<p>Ordinance No. <u>5980</u></p>	<p>City Council: 3/24/08 Planning Commission: 3/11/08 First Reading: <u>March 24, 2008</u> Second Reading: Third Reading:</p>
Subject		
<p>Request of David Kohll, 12759 'Q' Street, Omaha, NE 68137 to rezone Lots 6 through 13, Block 3, Bayliss 1st Addition along with Lots A through G, Auditor's Subdivision of Lots 14, 15 and 16, Block 3, Bayliss 1st Addition and Out Lot 1, Mynster's Addition all lying northwest of Kanesville Boulevard from C-4 Commercial to C-3 Commercial. This property lies between North 6th and North 7th Street, Mynster Street and Kanesville Boulevard.</p>		
Background		
<p>David Kohll has executed a purchase agreement for the property currently owned by First Christian Church which is zoned C-4 Commercial. Mr. Kohll wishes to construct Kohll's Pharmacy and Healthcare on the property. Retail shopping and consumer service establishments are both permitted outright as principal uses in a C-4 District. However, in addition to the pharmacy and sales of medical equipment, they intend to equip and sell handicap accessible vans and have a limited number of these vans (two to four) on the premises at any given time. The C-4 District allows 'Auto parts and accessory stores, including the machining of parts as an accessory use, but not including in-vehicle installation facilities'. The applicant is asking that the property be rezoned to C-3 Commercial, which allows 'Automobile service establishment' as a permitted use.</p> <p>Land uses surrounding the subject property include Salvation Army to the west, a synagogue and vacant property to the north and First Christian Church to the east. Kanesville Boulevard and West Broadway right-of-way abuts this block on the south. Surrounding zoning is shown on the attached map.</p> <p>There has been no response from any property owner within 200 feet.</p>		
Discussion		
<p>This block was developed as single family and multi-family residential uses. Over time, this block and areas to the west and north have deteriorated significantly.</p> <p>Kanesville Boulevard was constructed in the early 1980s making the site a commercial development opportunity due to its visibility.</p> <p>The 2003 Downtown Plan identifies the western two thirds of the block for commercial redevelopment and rehabilitating the former apartment building on the corner of Kanesville and North 6th Street. Subsequent to the plan's adoption, all structures in the block were demolished and the site listed for sale.</p> <p>The department, in conjunction with PCDC, retained the services of Camiros to assist with the development of design standards for the C-3 and C-4 zoning districts. A part of this project was to designate C-3 and C-4 zoning districts based on the building typology and land use. The C-3 district would represent contemporary downtown development and C-4 representing the traditional downtown development. The C-4 district would be used for areas along the 100 Block of West Broadway and along Pearl and Main from West Broadway to 9th Avenue. All surrounding areas, including areas along Kanesville Boulevard would be designated C-3.</p>		
Recommendation		
<p>The Community Development Department recommends rezoning Lots 6 through 13, Block 3, Bayliss 1st Addition along with Lots A through G, Auditor's Subdivision of Lots 14, 15 and 16, Block 3, Bayliss 1st Addition and Out Lot 1, Mynster's Addition all lying northwest of Kanesville Boulevard from C-4 Commercial to C-3 Commercial.</p>		
Public Hearing		
<p>David Kohll, 107 South 128th Plaza, Omaha, NE and Allen Kurland, 1305 Skyline Drive, Council Bluffs, IA representing Kohll's appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
Planning Commission to City Council		
<p>The Planning Commission recommends rezoning the land described above from C-4 Commercial to C-3 Commercial subject to restricting outside parking of vehicles awaiting sale to 5 and prohibiting drive-in or fast food restaurants and other automobile sales, rental and service establishment from operating within the area proposed for rezoning.</p>		
<p>VOTE: Aye 8 Nay 0 Abstain 0 Absent 3 Motion Carried.</p>		
<p>Attachments: Map showing proposed rezoning area and surrounding zoning.</p> <p>Prepared By: Rebecca Sall, Planning Technician, Community Development Department.</p> <div style="text-align: right; margin-top: 10px;"></div>		



CASE #ZC-08-005

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 5980

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF CERTAIN GROUNDS, PREMISES AND PROPERTY LOCATED BETWEEN NORTH 6TH AND NORTH 7TH STREET, MYNSTER STREET AND KANESVILLE BOULEVARD, IN COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, FROM ITS PRESENT DESIGNATION AS C-4/COMMERCIAL TO C-3/COMMERCIAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.17 AND 15.16 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, SUBJECT TO RESTRICTING OUTSIDE PARKING OF VEHICLES AWAITING SALE TO FIVE (5) AND PROHIBITING DRIVE-IN OR FAST FOOD RESTAURANTS AND OTHER AUTOMOBILE SALES, RENTAL AND SERVICE ESTABLISHMENTS FROM OPERATING WITHIN THE AREA PROPOSED FOR REZONING.

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of certain grounds, property and premises located between North 6th Street and North 7th Street, Mynster Street and Kaneshville Boulevard, as shown on Attachment "A", and legally described as follows:

Lots 6 through 13, Block 3, Bayliss 1st Addition, along with Lots A through G, Auditor's Subdivision of Lots 14, 15 and 16, Block 3, Bayliss 1st Addition and Outlot 1, Mynster's Addition, all lying northwest of Kanesville Boulevard, in Council Bluffs, Pottawattamie County, Iowa,

from its present designation as C-4/Commercial to C-3/Commercial, as set forth and defined in Chapters 15.17 and 15.16 of Title 15 "Zoning" of the 2005 Municipal Code of Council Bluffs, Iowa, subject to restricting outside parking of vehicles awaiting sale to five (5) and prohibiting drive-in or fast food restaurants and other automobile sales, rental and service establishments from operating within the area proposed for rezoning.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED
AND _____, 2008
APPROVED

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk

FIRST CONSIDERATION: March 24, 2008
SECOND CONSIDERATION: _____
PUBLIC HEARING: _____
THIRD CONSIDERATION: _____
Planning Case No. ZC-08-005